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**Date:** 21 November 2024  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder  
**RE:** Minutes of the 19 November 2024 City Council Work Meeting

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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, 19 November 2024, 5:00 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 5:01 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:**

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. Ordinance 2024-17 / Land Use Amendments** (City Planner – Approximately 60 minutes) – Final discussion, before holding a public hearing, of proposed Ordinance 2024-17 amending Title 16 (Land Use) of the Midway City Municipal Code to implement state mandated changes (Senate Bill 174).

Katie Villani gave a presentation regarding the proposed ordinance and reviewed the following items:

- Planning commission recommendations
- Senate Bill 174 (2023)
- Two-step administrative subdivision review process
- Public hearings versus public meetings
- Appeals
- Preliminary review options
- Final review options
- City council authority

Ms. Villani also made the following comments:

- The City should hold public meetings instead of public hearings on proposed developments.
- Only application-related mistakes had to be caught within a certain time according to the mandated changes. Other mistakes like health and safety issues, surveying, etc. could be addressed whenever they were discovered. Broad review and response language might be needed to protect the City.
- Did not anticipate problems with the mandated process for choosing review engineers for certain appeals.
- The City would lose a legal challenge if it charged applicants for its costs for review engineers.
- The Planning Commission might need to meet more often and sometimes during the day if it would remain part of the approval process.
- The State Legislature was working towards staff being the land use authority.

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

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

- Public hearings were misleading. The public thought that they could influence the Council's decision when instead a development had to be approved if it met the requirements of the Municipal Code.
- Inactive development applications should be automatically voided after a certain period of time. Currently, they could be brought to the Council no matter when they were submitted.
- The City could prepare a list of acceptable review engineers.
- The City should charge the legal maximum for applications because of the mandates.
- It was important who was on the Planning Commission.
- Just staff should grant final approval because they were only determining that the proposed development met the Code. Any deviations from the Code would require the Council's approval.
- The City Council felt like it could request items not in the Code which would make a project better. The commission members should be willing to do the same.
- Public hearings help developers work with the public.
- Up to two council members could meet with staff at any one time regarding a proposal. This would help the Council stay informed.
- Staff would regularly give a report to the Council about approved developments.
- Staff should inform the Council of upcoming proposals. This could be done by email.
- Specific times could be scheduled for council members to meet with staff.
- The process of appointing members to the Planning Commission should be changed.
- Certain applications were never presented to the Council by previous mayors.
- All applications could be sent to the Council with the Mayor's recommendation.
- The Council could rank applicants for the Planning Commission and other committees.
- The City Council would still be responsible for changes to the Code.
- Council members were elected by residents, but they were losing influence over many decisions.

- Council members could contact developers about their projects. This could be a problem if decisions were appealed to the Council. A council member, who had contacted a developer, should recuse themselves from considering that developer's appeal. One person could be designated to speak with the developer so that multiple members would not have to recuse themselves.
- PUD and high-density development regulations needed the most changes.
- It was hard to create a perfect code for all scenarios.
- Density throughout Midway should be reduced.
- The Council needed to review the zoning map and talk through potential changes.
- The mandated changes had to be completed by the end of the year. A review of the map could be done at the first of the year.
- Most developments proposed in the last few years were at a density less than the maximum allowed.
- Developers presented a worst-case scenario to try to get what they wanted.
- The Code needed to be updated quickly when issues arose.
- Only staff should be involved with final approval.
- The Council could still adopt notices of pending ordinances. The Council should actively use this authority.
- An imminent issue was required to adopt a development moratorium.
- Density, setbacks, and open space were the most impactful changes the Council could make.
- New development applications distracted staff from implementing the mandated changes. A development moratorium would resolve this issue.
- Staff would spend a lot of their time explaining the reasons for the moratorium.
- Staff should not have to meet with everyone regarding a moratorium.
- Notices of pending ordinances were preferred over a moratorium.

### **3. Adjournment**

The meeting was adjourned at 6:02 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder