

**MINUTES OF THE  
MIDWAY CITY COUNCIL  
(Annual Planning Meeting)**

**Thursday, 21 January 2021, 9:00 a.m.  
The Corner Restaurant, Lower-Level Banquet Room  
195 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 9:05 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 (Left at 3:02 p.m.)

Michael Henke, Planning Director  
Wes Johnson, Engineer  
Brad Wilson, Recorder/Financial Officer

**Others Present:**

None

**Staff Present:**

Corbin Gordon, Attorney

**2. Miscellaneous (30 minutes)**

**2a. Work Meetings** – How often and when should the Council hold work meetings? It is suggested that they be held from 5:00 p.m. to 6:00 p.m. before each regular council meeting.

The meeting attendees discussed holding regular work meetings. It was decided to instead start the regular meetings at 5:00 p.m.

**2b. Cancelled Meetings** – It is suggested that the Council not hold meetings on 15 June 2021, 21 December 2021, and 4 January 2022.

The meeting attendees discussed and decided not to hold council meetings on 16 March 2021, 15 June 2021, 2 November 2021, 21 December 2021, and 4 January 2022.

**2c. Mayor's Message** – Feedback or suggestions on the Mayor's weekly Facebook posts.

The meeting attendees discussed the weekly mayor's message. It was decided that it would also be posted on the City's new website.

**2d. Website Update**

Mayor Johnson gave an update on the building of a new website for the City. She asked that any suggestions be given to Amanda Cruz.

**2e. Town Square Update**

Mayor Johnson gave an update on the redesign of the Midway Town Square. She noted that the cost for the selected proposal was twice what had been anticipated. She indicated that another proposal might have to be chosen.

**2f. Building Safety Department Update**

Mayor Johnson gave an update on the City's building safety department and the timeframe for issuing building permits. She added that staff was working on accepting credit cards for permit fees.

**3. General Plan** (City Planner – 15 minutes) – The General Plan needs to be updated in 2021 per state requirements. Staff will be organizing committee assignments. The Council should read the General Plan and become familiar with it. There will be a brief discussion to make sure the Council is comfortable with the steps moving forward.

Michael Henke gave a presentation on the update to the General Plan. The meeting attendees discussed the following items:

- Requirements
- Previous updates
- Update process
- Having a strong community survey
- Strong community outreach
- Eliminating contradictory language
- Including vignettes to illustrate implementation.

**4. Open Space Bond** (30 minutes) – The Midway City Open Space Advisory Committee would like direction on the next steps related to the open space bond.

The Meeting attendees discussed the next steps and the following items:

- Soliciting specific properties
- Protecting smaller parcels towards the center of the City
- Local fundraising
- Using other tools besides money
- What is open space?
- Fee in leu
- Map of prospective properties
- Prioritizing parcels
- How to reach out to property owners
- Requiring annexation with open space should be considered on a case-by-case basis.
- Annexation should be decided early in the open space process.

**5. FY 2022 Budget / Timeline** (City Recorder – 15 minutes) – Discuss the timeline to prepare the FY 2022 budget.

Brad Wilson reviewed the timeline for preparing the FY 2022 budget. It was suggested that the City use a flyer to request public input on the budget.

**6. Cemetery Fees** (30 minutes) – Discuss updating the cemetery fees as part of the FY 2022 budget.

The meeting attendees discussed the following items:

- Affordability of burial spaces
- Should county residents be allowed to purchase spaces?
- Were the fees covering the associated costs?
- Studies should be done within the following 60 days determining when the current spaces would all be sold and if revenue covered expenditures. No fee changes should be made until these studies were done.
- Should there be an “out of area” fee?
- Who qualified as a family member?

**Motion:** Without objection, Mayor Johnson recessed the meeting at 11:20 a.m. She reconvened the meeting at 11:28 p.m.

**7. Mayor and City Council / Salaries and Benefits** (30 minutes) – Update information on the salaries and benefits paid to the mayors and council members of other municipalities. This will be done in preparation for changes in the FY 2022 budget.

Mayor Johnson gave a presentation on the item. The meeting attendees discussed the following items:

- Last time salaries and benefits were raised.
- Increase in population
- Increase in mayoral responsibilities
- Regular cost of living adjustments
- Encouraging residents to run for office.

- Hiring a city manager
- Benefits
- Types of municipal government
- Hiring the right city manager
- Compensation should be based on what was fair.

**8. Responding to Public Comments** (10 minutes) – Discuss responding to public comments, especially with the chat feature on Zoom, when it is not a public hearing. There is a concern that ongoing debate is being allowed beyond the asking and answering of questions.

The meeting attendees discussed the following items:

- Chat in Zoom
- Chat in Zoom should be turned off until public comment was allowed.
- Zoom should be more like an in-person meeting.
- There should be better coordination on how long people could participate.
- The rules for participation should be reviewed at the beginning of each meeting.

**9. Streets and Trails** (30 Minutes)

**9a. Street Profiles** – Discuss street profiles.

Wes Johnson gave a presentation on street profiles and reviewed the following items:

- Vehicle widths
- Current standards
- Any increases should be made in increments of vehicle widths.
- Drivers traveled slower on narrow roads because they were less comfortable.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 12:30 p.m. for lunch. She reconvened the meeting at 1:00 p.m.

- Maintenance costs
- Recommended a road width of 26 to 27 feet.
- Safety
- Emergency access
- Different streets in the City
- Road widths based on the type of curb.
- The City Council had the authority to deviate from the adopted standards.
- The rural cross-section should be allowed for ½ acre lots.

**9b. Street Maintenance Budget** – Discuss the annual street maintenance budget of \$250,000 from the General Fund.

The meeting attendees discussed the maintenance budgets for streets and water. It was

recommended that the amount for capital street projects, transferred from the General Fund, be increase from \$250,000 to \$350,000 a year. It was recommended that the amount for surface treatments also be increased.

It was recommended that the amount for water capital projects be increased from \$350,000 to \$750,000 a year. It was also recommended that there be enough of a financial reserve to replace a water tank.

The intersection of Main Street and 400 East was discussed. Significant improvements were recommended especially as the area to the east developed.

### **9c. Trails Maintenance Budget** – Discuss the annual trails maintenance budget.

It was recommended that \$45,000 be budgeted annually for trails maintenance. It was reported that the City would apply for two grants to complete the homestead/200 North trail in hopefully one phase.

### **10. M&I Water Rights** (City Attorney – 15 minutes) – Receive a presentation on the municipal and industrial water rights leased by Midway City.

Corbin Gordon gave a presentation on municipal and industrial (M&I) water rights and reviewed the following items:

- These rights were a powerful tool that avoided paying upfront costs for water.
- The City had 43-acre feet of unused M&I water rights.
- Past and future uses
- What should these water rights be used for?
- They had been saved to encourage commercial development.
- They should not be used for developers to make money from residential development.
- The City could lease them to others for more than it paid for them.

### **11. Midway Irrigation Company** (Council Member Dougherty – 15 minutes)

Council Member Dougherty reviewed the City's relationship with the Midway Irrigation Company. The meeting attendees discussed the following items:

- The relationship should be well documented and cooperative.
- Should the relationship be changed? The City was the majority shareholder, but it had just one member on the Company's board.
- The City should not run the Company.
- The Company was not trying to take advantage of the City.
- Any agreements should be reviewed every five years.
- The use of irrigation water for the City's parks.

### **12. Heber Light & Power** (Council Member Dougherty – 15 minutes)

Council Member Dougherty reviewed the City's relationship with the Heber Light & Power

Company (HL&P). The meeting attendees discussed the following items:

- The dividend from HL&P was based on the original investment and not population.
- There was no charge to power streetlights.
- A study was being done to increase the amount of the dividend.
- Who participated on the HL&P Board should be reevaluated.
- Ownership was irrelevant compared to usage.
- Should a dividend be paid, or rates be reduced?
- The dividends were a significant part of Heber City's and Charleston's budgets.
- Should Wasatch County buy some of Heber City's ownership?

**Motion:** Without objection, Mayor Johnson recessed the meeting at 2:18 p.m. She reconvened the meeting at 2:29 p.m.

### **13. Code Text Amendments** (City Planner – 120 minutes)

#### **13a. Future**

The meeting attendees reviewed possible code text amendments. Each member of the Council recommended the following amendment in order of preference:

##### Council Member Simonsen

- McMansions
- Sensitive lands and open space
- Water rights for wetlands
- Single-family dwellings
- Pop-up shops

Council Member Simonsen was concerned with allowing accessory dwelling units or changing setbacks.

##### Council Member Payne

- McMansions
- Footprints of auxiliary buildings
- Setbacks and nonconforming buildings
- Sensitive lands and open space
- Blocking off commercial open space
- Definition of single-family dwellings
- Landscaping code
- Vignettes for the Municipal Code
- Maintaining a rural feel (No fences, etc.)

### Council Member Dougherty

- What did the City want to be? Beverly Hills in the mountains?
- Accessory dwelling units
- Definition of single-family dwellings
- McMansions
- Open space
- Festival market business licenses and Swiss Days

### Council Member Orme

- Accessory dwelling units
- McMansions
- Setbacks
- Water rights for wetlands

### Council Member Drury

- Sale of Produce
- Sensitive lands and open space
- Water rights for wetlands
- Landscaping code
- Setbacks for auxiliary buildings
- McMansions

**Note:** Council Member Simonsen left at 3:02 p.m.

### Mayor Johnson

- Accessory dwelling units
- Single-family dwellings
- McMansions
- Setbacks
- Sensitive Lands
- Water rights for wetlands

### **13b. Completed**

Michael Henke reviewed the code text amendments completed the previous year.

### **13c. In Progress** – What is currently being written or presented to the Planning Commission.

Michael Henke reviewed the code text amendments in progress.

**14. Onsite Sale of Produce** (30 minutes) – Discuss the selling of produce grown onsite versus or in addition to encouraging its sale at the Farmers' Market.

Michael Henke reviewed the current regulations regarding the onsite sale of produce. The meeting attendees discussed the following items:

- If allowed, should the number of customers at any one time be limited?
- Should the related signs be regulated?
- Should a certain percentage of the produce have to be grown in the City?
- It would encourage agritourism.
- It would take a year to develop a code.
- Roadside parking and safety could be a problem.
- The business license should not be free because it would take time for staff to process it.

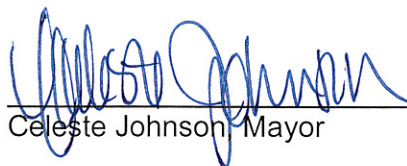
**15. Affordable Housing** (30 minutes) – Discuss affordable housing in the General Plan, what is its' potential in Midway, and how to participate in the issue on an interlocal level.

The meeting attendees discussed affordable housing and the following items:

- The State would mandate something if local governments did not do anything.
- Heber City and Wasatch County recently adopted a fee in leu for affordable housing.
- Such housing was needed for service sector jobs.
- Midway did not have the money to solve the problem like Park City.
- Affordable housing cost just as much as other types of housing.
- Who would pay for it? Taxpayers?
- Without subsidies then density would be increased, and land values effected.
- Investors wanted affordable housing where the jobs were located.
- Everyone created the need for it.
- It should be deed restricted.
- Accessory dwelling units would help.

**16. Adjournment**

The meeting was adjourned at 4:01 p.m.

  
Celeste Johnson, Mayor

  
Brad Wilson, Recorder