

MINUTES OF THE MIDWAY CITY COUNCIL

(Work Meeting)

Tuesday, 15 February 2022, 4:00 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 4:10 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer (Arrived at 4:34
p.m.)
Brad Wilson, Recorder/Financial Officer

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

2. Ordinance 2022-10 / Development Moratorium (City Attorney – Approximately 2 hours) – Discuss Ordinance 2022-10 enacting a temporary land use ordinance (development moratorium) in Midway City.

Corbin Gordon gave a presentation regarding the proposed ordinance and made the following comments:

- There was not a legal basis to extend the current development moratorium.
- Recommended that the Council adopt notices of pending ordinances instead.
- State law allowed a six-month moratorium without it being a taking.
- A moratorium could only go beyond six months in extreme circumstances, like the failure of a municipality's water source. Changing the Municipal Code was not sufficient.
- No studies had been done to support a moratorium because of a lack of affordable housing.
- Had revised Heber City's affordable housing ordinance which could be adopted that night.

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

- A notice of pending ordinance had the same practical effect as a moratorium. It also had less legal risk.
- It would be better if the notices were broad.
- A notice had to be specific enough that an applicant knew it would apply to their project.
- Someone could challenge the constitutionality but not the applicability of a fee-in-leu for affordable housing.
- The notices as presented could not be any stronger legally.
- A shorter moratorium would be less risky.

Note: Wes Johnson arrived at 4:34 p.m.

- Only the notices on the agenda could be adopted that night.
- The City should utilize affordable housing experts.
- An affordable housing ordinance could be adopted that night and then amended in the future.
- The City should verify that the proposed affordable housing ordinance was not subject to legal challenge.
- Rent in Midway could be \$4,000 a month.
- Land for affordable housing was dwindling.
- The City could not wait for the General Plan to be revised to address affordable housing.
- The amount of a fee-in-leu would need to be high to have an impact.
- The issue needed to be addressed in Midway by the City.
- Staff should prioritize affordable housing. Consultants could be hired to help.
- Notices should be considered for other issues like house size.
- Certain notices would stop building permits as well as development applications.
- It would be difficult to tell an applicant that they could not move forward when they had followed the current code and already invested a lot of time and money.
- Applicants would not want to risk moving forward without knowing what would eventually be adopted.
- The City had to have a good reason not to process an application.
- Applicants wanted to move quickly.

The Council preferred adopting notices of pending ordinances instead approving another moratorium.

Motion: Without objection, Mayor Johnson recessed the meeting at 5:00 p.m. She reconvened the meeting at 5:07 p.m.

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

- Applications should be considered on a first come first served basis.
- Applications should be complete before they were considered.
- Applicants could be given a range of time in which their request would be considered.
- The City was not required to process most applications withing a certain amount of time.

- What was the most appropriate name for affordable housing? Moderate or attainable housing could be used.
- Item two in the resolutions, for the notices of pending ordinance, should be revised.
- The notices should include commercial and resort developments.
- Should the notice for affordable housing state the options being considered?

3. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Dougherty moved to go into a closed meeting regarding threatened litigation.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Note: Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

Motion: Council Member Drury moved to go out of the closed meeting.

Second: Council Member Orme seconded the motion.

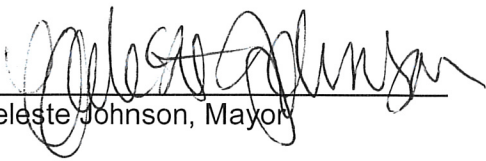
Discussion: None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

4. Adjournment

The meeting was adjourned at 5:56 p.m.


Celeste Johnson, Mayor


Brad Wilson, Recorder