

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

**Tuesday, 6 November 2018, 6:00 p.m.
Midway Community Center, City 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, Public Works Assistant Crew Chief, 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 6:00 p.m. She excused Council Member Van Wagoner.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member
Jeff Drury, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member

Staff Present:

Michael Henke, Planning Director
Joshua Jewkes, Attorney's Office
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Ken Van Wagoner, Council Member

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

Camden Felsted, a local Boy Scout, led the Council and meeting attendees in the pledge of allegiance. Council Member Drury gave the prayer and/or inspirational message.

2. Consent Calendar

- a. Agenda for the 6 November 2018 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 16 October 2018 City Council Work Meeting
- d. Minutes of the 16 October 2018 City Council Closed Meeting
- e. Minutes of the 16 October 2018 City Council Regular Meeting
- f. One-year extension of final approval for the Ray Farm Subdivision (Formerly the Jones Farm Subdivision) located at 400 West and 500 South (Zoning is RA-1-43).

- g. Conclude the warranty period and release the remainder of the bond for the Whimsy Willow Subdivision located at 1100 South Stringtown Road subject to the payment of all fees due to Midway City.
- h. Conclude the new hire probation period and authorize a 5% wage increase for Preston Broadhead.

Note: Copies of items 2a, 2b, 2c, 2e, 2f, and 2g are contained in the supplemental file.

Mayor Johnson read the consent calendar.

Motion: Council Member Probst moved to approve the consent calendar.

Second: Council Member Drury seconded the motion.

Discussion: None

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Excused from the Meeting

3. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public. No comments were offered.

4. Department Reports

Midway Business Alliance

Council Member Christen reported that the officers and focus of the Midway Business Alliance would be changing.

Friends of Midway / Banquet

Council Member Drury reported that a banquet had been held by the Friends of Midway. He invited anyone to participate in the organization.

Ice Rink / Management Contract

Council Member Drury reported that a draft contract with the Midway Boosters, to manage the City's ice rink, would be considered at the Council's first meeting in December.

Ice Rink / Repairs

Council Member Drury reported on repairs to the ice rink chiller.

HL&P / Transmission Line

Mayor Johnson reported that Heber Light & Power Company (HL&P) would hold a meeting that Thursday regarding the proposed transmission line.

Heber Valley Railroad / Upcoming Events

Mayor Johnson reported on upcoming events at the Heber Valley Railroad.

MSD / Rate Increase

Mayor Johnson reported on the rate increase by the Midway Sanitation District (MSD).

- 5. Dutch Draw Subdivision / Culinary Water Will Serve Letter** (Mike Johnston – Approximately 10 minutes) – Discuss and possibly approve a will serve letter, to provide culinary water service, to the Dutch Draw Subdivision located at the corner of River Road and Dutch Canyon Road.

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

- Land use summary
- Location of the Dutch Draw Subdivision
- Current plat map
- Proposed plat map
- Items to consider
- Location of water and sewer lines.

Mr. Henke also made the following comments:

- Providing culinary water was discretionary.
- The applicant requested culinary water service for the development.
- The needed water rights would have to be turned over to the City.
- The City could regulate the design and construction of the development if it was annexed.
- The development was along one of the City's entry corridors.
- The City required greater setbacks than Wasatch County.
- An access was planned from Dutch Canyon Road to lot three in the development.
- It would be more difficult to annex additional property in the area if this development was not annexed.
- There would be no advantage to develop the property as a rural preservation subdivision.

- The applicant could request a zone change if the property was annexed.

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

Wes Johnson made the following comments:

- The development would have a private pressurized sewer system.
- If the project was annexed, Wasatch County would want Midway to also annex and maintain the adjoining section of River Road.
- The City required that main water lines be extended to the end of a project.

Joshua Jewkes recommended, as a general rule, that the City require annexation before providing culinary water service.

Mike Johnston, Summit Engineering and representing the applicant, made the following comments:

- The applicant was not interested in installing costly improvements.
- Installing infrastructure along River Road was not an option.
- The City provided culinary water to the River Bottoms Ranch which was across River Road in Wasatch County.
- The applicant might provide a right-of-way or a trail in exchange for the culinary water service.
- The applicant would also sign a document agreeing to participate in future annexations.
- Drilling a well was an option.
- Would annex if the conditions were simple and limited.

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

- It would be costly to install the infrastructure along River Road.
- This infrastructure along River Road should be extended as far as possible.
- The homeowners in the development would use the City's services such as roads, etc.

Motion: Council Member Simonsen moved to deny the request for a will serve letter and that annexation, which made sense to everyone, be discussed with the applicant.

Second: Council Member Drury seconded the motion.

Discussion: Mr. Johnston indicated that the applicant might bring back an annexation petition.

Council Member Probst asked if the City would require curb, gutter and other improvements. Mr. Johnson noted that Dutch Canyon Road was recently widened. Council Member Drury wanted the applicant to at least provide utility easements.

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

Council Member Christen

Aye

Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Excused from the Meeting

6. Reed Bezzant Subdivision / Amendment (Steven and Kala Francis – Approximately 30 minutes) – Discuss and possibly approve a plat map amendment for the Reed Bezzant Subdivision located at 95 South 700 East (Zoning is R-1-11). Recommended for denial by the Midway City Planning Commission. **Public Hearing**

7. Reed Bezzant Subdivision / Lot Split (Steven and Kala Francis – Approximately 5 minutes) – Discuss and possibly grant preliminary and final approval for a lot split in the Reed Bezzant Subdivision located at 95 South 700 East (Zoning is R-1-11). Recommended for denial by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the proposed lot split
- Code requirements
- Current plat map for the subdivision
- Proposed plat map
- Recommendation from the Midway Water Advisory Board
- Items to consider
- Previous lot splits
- Possible findings

Mr. Henke also made the following comments:

- The amendment and lot split would be considered together.
- The lot just to the south had been split.
- The length of the subdivision cul-de-sac was beyond the 500 feet allowed by the City's construction standards.
- New developments usually had CC&R's that prohibited lot splits. These CC&R's would have to be changed to allow a split. Doubted the subdivision had CC&R's because it was quite old.
- All property owners within 600 feet had been notified of the request. None had contacted him.
- Only single-family dwellings were allowed in the zone. Transient rentals were not allowed.

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

Steven Francis, applicant, made the following comments:

- The 500-foot limit was in place when the City approved the lot split to the south.
- Had spoken to some of the neighbors and they were not opposed to the lot split.

- A single-family house, which looked like a barn with a garage on the main floor and a residence on the second floor, would probably be built on the new lot.

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.

Council Member Drury made the following comments:

- The request was difficult because it met the requirements of the Municipal Code, but the cul-de-sac exceeded the allowed length.
- The lot to the south had been split.
- There were twelve homes in the subdivision and input should be sought from those homeowners.

Motion: Council Member Drury moved to table the requests and ask the applicant to get written approval or disapproval from the neighbors to be considered at another council meeting.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Simonsen thought that the length of the cul-de-sac was important because of safety and traffic congestion. He was also concerned with how many other lots in Midway could be subdivided.

Council Member Drury noted that the subdivision was older. He wanted input but not approval from the neighbors. Mayor Johnson indicated that approval from neighbors had been required in the past.

Amended Motion: Council Member Drury moved that city staff go house to house in the subdivision and asked residents if they approved or disapproved of the lot split. He further moved that the request would then be reconsidered.

Mayor Johnson asked if staff should be going from house to house.

Council Member Christen asked if a signed letter would be required from each homeowner.

Joshua Jewkes made the following comments:

- Recommended that the request be denied because the other lot owners, in the subdivision, did not expect the lots to be split and the cul-de-sac exceeded 500 feet.
- The Council should not make exceptions to the cul-de-sac length.
- Noted that the decision was discretionary.
- Thought it was bad precedence to have staff notice residents in person.
- There could be more lots splits in Midway.

Council Member Simonsen thought that precedence had been set with the lot split to the south. Mayor Johnson responded that the Council should not continue a previous mistake.

Second Amended Motion: Council Member Drury moved to continue the item and asked that the applicant get a written response from each homeowner in the cul-de-sac. He further moved that this information be brought back to the Council before it approved or denied the request.

Second: Council Member Simonsen seconded the motion.

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

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Excused from the Meeting

8. Ordinance 2018-24 / Parking Requirements for Commercial and Mixed-Use Developments (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2018-24 amending Section 16.13.39 (Off-Street Parking and Loading) of the Midway City Municipal Code regarding parking requirements for commercial and mixed-use developments. Recommended for approval by the Midway City Planning Commission.
Public Hearing

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

- Parking concerns
- Main Street chapter of the General Plan
- Public parking areas along Main Street
- Comparison of parking requirements with other cities
- Points of discussion
- Items to consider
- Residential parking
- Commercial parking in residential areas
- Map of current parking problem areas
- New parking signage
- Commercial parking
- Public parking lots
- Parking structures
- Proposed code language
- A fund to pay for off-site parking
- Mixed-use parking
- Combined parking areas
- Commercial driveways
- Isle widths for different types of parking lots

Mr. Henke also made the following comments:

- The Council had adopted a notice of pending ordinance regarding parking.
- The City was looking for solutions to parking concerns.

- Recommended that theater parking requirements be removed until theaters were again allowed in the City.
- Residential parking passes could be required in the future.
- The City needed to protect the essence of Midway.
- The Planning Commission recommended parking based just on inside dining. They did not include outside dining because they did not want to discourage it and it was seasonal.

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

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

- The parking for the Granary was almost full on weekends.
- Parking regulations including the new signs needed to be enforced.
- The City could not retroactively impose parking requirements on businesses.
- Should the number of parking spaces for mortuaries be reduced? That would depend if services were held at the mortuary. Was it fair to require so many spaces for services that would be held only occasionally?
- Parking could only be shared between businesses that were open at different times.
- Other communities considered employee parking and outside dining when requiring parking spaces.
- When a business changed or expanded should its parking requirements be reconsidered?
- Outside dining could not be ignored when calculating parking.
- Parking requirements needed to be balanced.
- Too little parking hurt businesses.
- Parking did not have to be right at a business.
- Twelve parking spaces was required for a drive through business that was going to open on Main Street. Was that a fair number?
- Requiring one parking space for every two employees was insufficient.
- The Council should solicit public comment on parking.
- Should know if other communities had distance limits for a business's parking.
- Regulations should better define a parking structure.
- Part of Main Street was still residential.
- How would any new parking regulations apply during Swiss Days?

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public.

Jonathan Clegg

Mr. Clegg made the following comments:

- There were twelve businesses along Main Street between 100 West and 200 West.

- Parking along Main Street going west from 200 West might also have to be addressed.
- Public parking lots had merit, but residents should not have to shoulder most of their cost.
- Leasing parking was temporary while businesses were permanent.
- A lot of the parking around the Town Square was already used for public buildings like the Town Hall.
- The new parking signs prohibited parking on the west side of 200 West. This benefited just two houses. Mr. Henke responded that there was also a bike lane on that side of the road.

Hollie Kent

Ms. Kent made the following comments:

- Valet parking at restaurants could help with parking issues.
- The Corner Restaurant might hold receptions which would increase its parking needs. Its 15 parking spaces would not be enough. Mr. Henke responded that the City tried to encourage green space as well as parking with the business. Mayor Johnson added that she spoke to the owner and encouraged him to ferry guest from parking that was further away.
- Parking in front of residences was public and should not be restricted. Mr. Henke responded that many cities restricted such parking.
- Restrictions could be limited to certain hours.

Jon McKeon

Mr. McKeon asked if parallel parking along Main Street could be converted to diagonal parking. Mr. Henke responded that the Utah Department of Transportation, which was responsible for Main Street, would not allow angled parking.

Council Member Simonsen indicated that the residents should pay for some of the public parking because it increased sales tax revenue which benefited them.

Shayla Barker Snow (Via Social Media)

Ms. Snow indicated that owners did not like non-customers parking in front of their businesses. Council Member Drury responded that the businesses needed to cooperate. He suggested discussing cooperation at the next Midway Business Alliance meeting.

Mayor Johnson closed the hearing when no further public comment was offered.

9. Financial Report / 1st Quarter (Financial Officer – Approximately 15 minutes) – Receive a report on Midway City's finances for the first quarter (July – September) of fiscal year 2019.

Brad Wilson asked that the financial report be consider in more depth at the Council's next work meeting.

Motion: Council Member Christen moved to continue the financial report to the next work meeting.

Second: Council Member Drury seconded the motion.

Discussion: None

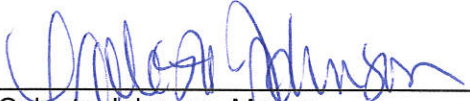
Vote: The motion was approved with the Council voting as follows:

Council Member Christen	Aye
Council Member Drury	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Excused from the Meeting

10. Adjournment

Motion: Council Member Drury moved to adjourn the meeting. Council Member Christen seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:30 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder