

MINUTES OF THE MIDWAY CITY COUNCIL

(Work Meeting)

Tuesday, 5 March 2018, 9:00 a.m.
Midway City Office Building, Upstairs Conference Room
75 North 100 West, 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

Mayor Johnson called the meeting to order at 9:00 a.m.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member
Bob Probst, Council Member
JC Simonsen, Council Member
Ken Van Wagoner, Council Member

Staff Present:

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

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

- 2. Appenzell PUD / Master Plan Amendment** (Dade Rose – Approximately 30 minutes) – Discuss amending the master plan for the Appenzell PUD located at 700 South Center Street (Zoning is R-1-22).

The applicant asked that the item not be considered at the meeting.

- 3. Ordinance 2019-05 / Cul-de-Sacs and Road Lengths** (City Planner – Approximately 30 minutes) – Discuss Ordinance 2019-05 amending Title 16 (Land Use) of the Midway City Municipal Code regarding cul-de-sacs and the length of roads. Recommended for approval without conditions by the Midway City Planning Commission.

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

- Non-conforming roads

- Existing code
- Examples of cul-de-sac lengths
- Precedence
- Considerations
- Proposed code
- Wasatch County Fire District recommendation
- Transportation Plan

Mr. Henke also made the following comments:

- Specific requirements for cul-de-sacs needed to be established in the Municipal Code.
- The maximum length for a cul-de-sac was in the Standard Specifications and Drawings.
- The City could only require roads that were in its Transportation Plan.
- The Fire Districted recommended that cul-de-sacs be limited to 1,300 feet in length.
- The maximum length including any branch cul-de-sacs should be 1,300 feet.
- The maximum number of lots on a cul-de-sac, including any branch cul-de-sacs, should be eleven.
- The code, if it was adopted, would not apply to already submitted developments.

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 Transportation Plan needed to be updated to include the continuation of stubbed roads.
- There should be a balance between through roads and limiting traffic on local roads.
- Longer cul-de-sacs were problematic for emergency services and harder to evacuate.
- It was a concern that some planned through roads might never be completed.
- Road and connectivity should be reviewed with each new development. Developments should be sent back to the Planning Commission when needed.

4. Hidden Haven Subdivision / Preliminary Approval (City Planner – Approximately 30 minutes) – Discuss preliminary approval for the Hidden Haven Subdivision located at 800 East Main Street (Zoning is R-1-15). Recommended for approval with conditions by the Midway City Planning Commission.

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

- Land use summary
- Location of the subdivision
- The pond and its sources of water
- Preliminary plat map
- Common area
- Easements

Mr. Henke also made the following comments:

- The existing home on the property would be raised.
- An existing irrigation ditch on the property would be piped.
- Should water rights be required for the area covered by the pond? They had been required in the past for other ponds because they could go away and then the land would need to be irrigated.
- The applicant proposed giving the park in the subdivision to the City.
- Had explained to the applicant the 500-foot limit on cul-de-sacs.
- The only way the cul-de-sac would work would be the completion of the stub road through the adjoining property.
- The City approved the LaBarge Subdivision, which was a cul-de-sac on another cul-de-sac, because an agreement had been reached with all necessary property owners for a future through road.

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

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

- There was an unresolved lawsuit regarding the pond.
- The applicant did not have the right to use all the pond.
- A survey done for the area was in question.
- Who was liable for the pond?
- The City should only accept the park if the entire pond was included.
- There would be a lot of liability with the pond.
- The City did not want to be involved in the lawsuit.
- There would be problems with the public accessing the park.
- Parking for the park would be a problem.
- The City would never get complete ownership of the pond.
- The proposed cul-de-sac was longer than the limit of 500 feet.
- The proposed stub road should not be counted as a second access because it did not connect to another road.
- The applicant should have to build the entire stub road including the portion on the adjoining property.
- Most of the open space was at the rear of the subdivision and would not benefit the general public.
- The applicant was trying to shift liability for the park and pond to the City.
- The Planning Commission recommended that the applicant get approval from the adjoining property owner for the continuation of the stub road. That had not happened.
- The issues with the pond should be resolved.
- Anytime the City deviated from its standards it was susceptible to litigation.

- 5. Ordinance 2019-06 / Parking Requirements for Commercial and Mixed-Use Developments** (City Planner – Approximately 30 minutes) – Discuss Ordinance 2019-06 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.

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

- Parking requirement comparison
- Off-site parking and an associated fee

Mr. Henke also made the following comments:

- Had adjusted the ordinance based upon previous discussions by the Council.
- Public parking lots were a solution.
- People were willing to walk no further than one block. This would require a public parking lot on each block. The ordinance should limit the distance of off-site parking from a business.
- Parking requirements should be expanded to include more uses.
- There should be no parking requirements for theaters because they were not allowed.
- The only parking requirements for special events were in the resort zone.
- Requirements had been added for residential treatment facilities.
- On-street parking did not count towards required parking.
- Historic structures should be accommodated.
- A fee for off-site parking needed to be determined.

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

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

- Outside seating needed to be included in the parking calculations.
- Off-site parking should be allowed.
- The feel of vehicles being everywhere should be avoided.
- Parking requirements should be increased. They could be reduced if public parking lots were built.
- New businesses could pay a fee to help pay for parking lots.
- People would want to park next to a business rather than in a parking lot further away. Allowing 75% of parking to be off-site was too high.
- Large parking lots for each business should be avoided. Some businesses might need more than 75% off-site parking.
- The ordinance needed to require parking for more than just the workers.
- Owners would provide enough parking if they wanted their businesses to succeed.
- There was not a shortage of parking but a shortage of convenient parking.
- Additional parking was only needed for certain areas.
- 20 feet was not wide enough for vehicle entrances especially for pickup trucks.
- Occasionally drivers would have to wait for a vehicle to exit before they could enter.
- The width could be increased based upon the determination of the City Engineer. This would require parking going through the conditional use process.
- Parking structures did not match the vision for Midway. They should be prohibited but could be reconsidered in the future.

Motion: Council Member Drury moved to recess the meeting.

Second: Council Member Probst 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 Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	Aye

Note: The meeting was recessed at 11:04 a.m. and reconvened at 11:12 a.m.

6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation and the Purchase or Lease of Real Property

Motion: Council Member Drury moved to go into a closed meeting.

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 Probst	Aye
Council Member Simonsen	Aye
Council Member Van Wagoner	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 Van Wagoner 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 Drury	Aye
Council Member Orme	Aye
Council Member Probst	Aye
Council Member Simonsen	Aye

7. Adjournment

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

The meeting was adjourned at 12:15 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder