

MINUTES OF THE MIDWAY CITY COUNCIL

(Work Meeting)

Tuesday, 3 March 2020, 9:00 a.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 9:10 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member (Left at 12:33 p.m.)
Lisa Orme, Council Member
Kevin Payne, Council Member (Arrived at 9:47 a.m.)
JC Simonsen, Council Member (Arrived at 12:33 p.m.)

and Returned at 12:41 p.m.)
Michael Henke, Planning Director
Brad Wilson, Recorder/Financial Officer

Others Present:

Mark Anderson, Zions Bank Public Finance
Brian Baker, Zions Bank Public Finance
Courtland Nelson, Midway City Open Space
Committee Chair
Steve Stevens, Midway City Open Space
Committee Member

Staff Present:

Corbin Gordon, Attorney (Left at 10:13 a.m.)

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

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

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

Second: Council Member Drury 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	Not Present
Council Member Simonsen	Excused from the Meeting

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

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

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	Excused from the Meeting

3. Rebranding / City Logo (Mayor Johnson – Approximately 5 minutes) – Discuss a rebranding campaign, including a new logo, for Midway City.

Mayor Johnson asked if public input should be sought on a new logo. She indicated that other mayors discouraged public input on such an issue. The Council concurred.

The Council chose the canton with the mountains instead of the edelweiss.

The Council agreed to start using the new logo and then explain its significance and meaning later.

4. Meeting Statistics

Mayor Johnson reviewed various statistics regarding council meetings including how many items were continued and acted upon. She asked the Council to obtain as much information as possible before a meeting and avoid repeatedly continuing items.

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

- Some items were continued because more information was needed.
- Council members should think about items before the meeting.

- Public comment should not be limited.

5. Ordinance 2020-03 / Outside Dining and Parking (City Planner – Approximately 30 minutes) – Discuss Ordinance 2020-03 amending Section 16.13.39(A)(11) (Off-Street Parking and Loading) of the Midway City Municipal Code regarding outside dining and parking. The Midway City Planning Commission recommended no change to the current code.

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

- Overview
- Parking analysis
- Code for Westminster, CA
- Potential code
- Off-site parking

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 requirements for restaurants were recently increased by 66%.
- The proposed requirement was too high.
- Restaurants could purchase off-site parking. This could be required for all outside dining. Nothing in the Municipal Code drove restaurant owners to use this type of parking.
- The City should prevent buildings from being razed.
- Residents who lived near restaurants had complained about parking.
- The parking issue was a user problem not a shortage of spaces. The user problem should be addressed first.
- Restaurants should be encouraged along Main Street.
- The proposal would not solve the problem of parking in front of nearby residences.
- Multiple solutions were needed.
- Some current restaurants could not have started if the proposal had been in place.
- Some restaurants did not have enough parking.
- It was unfair to not require parking for outside dining.
- The proposed restaurant square footage per parking stall could be increased from 150 to 200 or 250.
- The taxpayers should not solve the restaurants’ problem.
- A business would not succeed if it did not have enough parking.
- If a business could not afford parking, then it was not viable and would close.

6. Use of Buildings (Approximately 1.5 hours) – Discuss the use of Midway City’s buildings.

Council Member Dougherty reported that he toured the Town Hall and Community Center and made the following comments:

- Too much junk was stored in the buildings.

- Flammable items were also being stored in the buildings.
- The Town Hall had several prime office spaces that could be used to highlight Midway. They were at street level and had windows.
- A distinction needed to be made between non-profit and for-profit users of the buildings.
- The use of buildings needed to be managed and the City compensated fairly.
- Better security and lease agreements were needed.
- The use of the buildings should not be just about making money.

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

- If religious activities for one group were not allowed, then all religious activities should be barred.
- The Daughters of the Utah Pioneers could be moved to another space.
- Some of the items stored in the buildings were only used once a year. Other items were used often.
- Groups like the Swiss Choir were part of Midway's culture and should be efficiently supported.
- There was not a good fee schedule for the use of individual rooms.
- Schools were hard on the buildings.
- The City almost made enough money from renting its buildings to pay for their daily maintenance. However, there was a lot of deferred maintenance.
- The buildings should be checked after every use.
- The people using the buildings the most got the best deal.
- The City could provide a space for the CAPS program to operate a retail store.
- A building coordinator was needed which staff was not providing.
- Parking enforcement should be increased.
- The City had grown significantly without increasing its resources.

Note: Council Member Drury left at 12:33 p.m.

Motion: Without objection, Mayor Johnson recessed the meeting at 12:33 p.m. She reconvened the meeting at 12:41 p.m.

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

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

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	Excused from the Meeting

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 Dougherty 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	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 2:15 p.m. She reconvened the meeting at 2:21 p.m.

8. Accessory Dwelling Units / One-Family Dwellings / Accessory Buildings (City Planner – Approximately 60 minutes) – Discuss regulations regarding accessory dwelling units, one-family dwellings and accessory buildings.

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

- What was an Accessory Dwelling Unit (ADU)?
- ADU benefits and negatives
- Points of discussion

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

Council Member Orme made the following comments:

- Strongly supported ADUs.
- Was approached by several residents that wanted to do ADUs. These people paid property taxes.
- ADUs helped people who grew up in Midway to stay in Midway.
- Housing in Midway was not affordable.
- A basement apartment would be more affordable.
- ADUs reduced density because there would be a basement apartment instead of

another house.

- They would maintain the look and feel of Midway.
- Duplexes should not be encouraged. Residents did not want them.
- Lost a sale because the buyer could not have a mother-in-law apartment.
- The primary owner should live in the house.
- There were illegal ADUs.
- The City's regulations needed to be enforced.
- Affordable housing was not the issue for her.
- A couple could let a young couple live in their basement once their children had moved out.
- The issue had been discussed for four years.

Council Member Payne made the following comments:

- Had developed affordable housing throughout the west in both rural and urban areas.
- ADUs achieved affordable housing in the short-term but not in the long-term.
- They encouraged density, were counter to a rural feel and accelerated growth.
- Affordable housing had to be professionally managed.
- You could not distinguish between family and non-family.
- Property owners had rights, but they were also subject to zoning regulations.
- ADU regulations were impossible to enforce.
- They could turn single family lots into duplex lots.
- Houses with ADUs commanded a higher price.
- The market would dominate.
- Owners would change as much as they could for ADUs.
- ADUs functioned like duplexes.
- They allowed two living units on a property.
- The land use code should not be used to supplement someone's income.
- Did not oppose a family with one kitchen letting another family member in need stay with them. However, the Municipal Code already allowed some flexibility for family needs.
- Setbacks could change based on the zone.

Council Member Dougherty made the following comments:

- More residents contacted him regarding ADUs than any other issue.
- There was a need for this type of housing.
- ADUs should be addressed sooner rather than later.
- The name attainable housing was better than affordable housing.
- ADUs were a pressure relief valve.
- Some property owners needed supplemental income.
- "McMansions" would have a greater impact than ADUs.
- ADUs were not duplexes.
- They helped the elderly.
- They would have a limited impact if done properly.
- They would not increase traditional development.
- They should not be restricted to just the center of Midway.
- Recreational development should also be considered.
- The best enforcement tool was ADUs in owner occupied houses.
- ADUs should not be put on small lots.

- Had an ADU at his house but he did not use it or rent it.

Council Member Simonsen made the following comments:

- Housing in Midway was not affordable.
- The City should work hard to retain the resort tax, Midway's character and agriculture.
- Density was a significant issue.
- The area's quality of life was threatened.
- ADUs would increase density, population and traffic.
- They would not solve the affordability problem.
- The market would overrule other factors.
- Specifically developing land for affordable housing would be more productive.
- Had a lot of concerns that needed to be addressed.
- Ran for election on the issue.

Mayor Johnson made the following comments:

- Regulations should be enforced.
- It was not the City's job to make houses affordable.
- Tools like a reverse mortgage were available.
- Had lived in an area where the wealthy moved in and other residents had to move out.
- Someone living in a basement could not afford to build a house.
- There was no guarantee that the City could make ADUs affordable or fair for families.
- The City needed to watch its growth and create a greater resort tax base.
- Never had a second entrance to her house when her children came back to live with her.
- The single-family dwelling zones needed to be protected.
- Any houses with ADUs should be owner occupied.
- ADUs were difficult to regulate.
- There were a lot of other issues that needed to be considered first.
- The two council members that supported ADUs could respond, at a future work meeting, to the concerns that had been raised.

Michael Henke asked the Council to still address the definitions of living quarters and single-family homes even if they postponed consideration of ADUs. Council Member Dougherty questioned prohibiting ADUs if they might be allowed soon.

Council Member Simonsen suggested inclusionary zoning. Mr. Henke responded that the State Code prohibited requiring such zoning. He said that it allowed a fee in lieu.

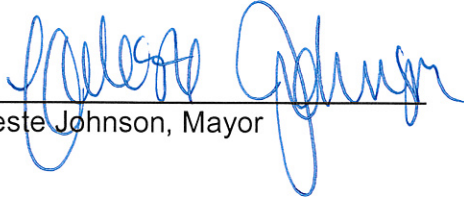
Council Member Dougherty said that he and Council Member Orme would discuss the issue with other council members and bring it back to a future work meeting.

Council Member Payne, who was assigned to oversee affordable housing, reviewed the issue and efforts by area governments to address it. He thought that developers would choose the least expensive option and the real need was not being addressed. He also reviewed efforts by the State to address the issue. He recommended that area councils should be setting the direction and the affordable housing boards implementing that direction.

9. Adjournment

Motion: Council Member Simonsen moved to adjourn the meeting. Council Member Orme seconded the motion. The motion passed unanimously.

The meeting was adjourned at 4:07 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder