

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

**Tuesday, 4 February 2025, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Market Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the Mayor, 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 on the City's website. A copy of the public notice/agenda is contained in the supplemental file for the meeting.

1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:16 p.m.

Members Present

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member
Craig Simons, Council Member
JC Simonsen, Council Member

Staff Present

Corbin Gordon, City Attorney
Michael Henke, City Planning Director
Wes Johnson, City Engineer
Katie Villani, City Planner
Brad Wilson, City Recorder

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

Mayor Johnson led the Council and meeting attendees in the pledge of allegiance. Council Member Drury gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 4 February 2025 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 21 January 2025 City Council Work Meeting
- d. Minutes of the 21 January 2025 City Council Regular Meeting

Note: Copies of items 2a through 2d are contained in the supplemental file for the meeting. Proposed changes to item 2d were provided to the Council before the meeting.

Mayor Johnson noted that changes had been proposed to the regular meeting minutes.

Motion: Council Member Simons moved to approve the consent agenda, items “a” through “d”, with the changes mentioned.

Second: Council Member Drury 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 Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

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

Mayor Johnson asked if there were any comments from the public about items not on the agenda. No comments were offered.

4. Department Reports

Ice Rink / Weather / Grant / Construction Timeline

Council Member Drury reported that the warm weather was not good for the ice rink. He also reported that using grant money for ice rink improvements was discussed at the Council’s recent strategic planning meeting. He noted that the timeline for completing any improvements would be short.

HL&P / Rate Increase / Time of Use Rates

Council Member Payne reported that Heber Light and Power Company (HL&P) completed a rate study. He added that rate increases were being considered for capital improvements and to rebuild reserves.

Council Member Payne also reported that time of use rates would be applied to all customers.

HVRR / Board Members / Polar Express / Longer Trains / Locomotive

Mayor Johnson reported on new members of the Heber Valley Railroad (HVRR) Board. She also made the following comments:

- The Polar Express was a success.
- HVRR wanted to extend its loading area so that its trains could be longer.
- It sold one of its locomotives.

HVSSD / Odor / Planning / Capacity / Board Chair / Moratorium

Mayor Johnson made the following comments regarding the Heber Valley Special Service District (HVSSD):

- There was little odor at its treatment facility at that time of the year.
- HVSSD was performing long range planning.
- It was reviewing its capacity to treat affluent.
- It was determining which developments it had committed to serve.
- The Heber City Mayor would chair its board that year.
- The Midway City Attorney was researching a moratorium based on HVSSD's dwindling treatment capacity.

Legislative Update

Katie Villani gave a presentation on legislation being considered by the Utah State Legislature.

Note: A copy of Ms. Villani's presentation is contained in the supplemental file for the meeting.

- 5. TAP Tax / Awards** (Mayor Johnson – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve awarding Trails, Arts, and Parks (TAP) tax revenue to various applicants.

Mayor Johnson indicated that the TAP Tax and the possible awards were discussed in that evening's work meeting. She added that a decision could not be made that night and would be postponed to the next council meeting.

Motion: Council Member Simons moved to continue the item, to receive more information, and to make the awards at the next meeting.

Second: Council Member Drury 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 Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

- 6. Kastle Court Subdivision / Final Approval** (John Ace Money – Approximately 30 minutes) – Discuss and possibly deny, continue, or grant final approval for the Kastle Court Subdivision located at 800 North Pine Canyon Road (Zoning is R-1-15 and R-1-22).

7. Resolution 2025-05 / Kastle Court Subdivision Conditions (City Attorney – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-05 adopting conditions for the approval of the Kastle Court Subdivision located at 800 North Pine Canyon Road (Zoning is R-1-15 and R-1-22).

Mayor Johnson explained that the Kastle Court applicant asked that the items be continued to the next meeting.

Motion: Council Member Payne moved to continue the two items to the next council meeting.

Second: Council Member Simonsen 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 Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

8. Ordinance 2025-03 / Setbacks (John Taylor – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-03 amending Section 16.13.170 (Exception to Front and Side Setback Requirements) of the Midway City Municipal Code. Recommended for denial by the Midway City Planning Commission. **Public Hearing**

Katie Villani gave a presentation regarding the proposed ordinance and reviewed the following items:

- Location of the applicant's property
- Land use summary
- Current setback requirements
- Setback exception
- Proposed amendment
- Language provided with the application.
- Setback calculations
- Applicant's property setbacks base on the current and proposed requirements.
- Discussion
- Planning commission recommendations

Ms. Villani also made the following comments:

- The ordinance, requested by the applicant, would apply to all of Midway.

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

John Taylor, applicant, reviewed the proposed setbacks and made the following comments:

- Appreciated the City considering the request.
- Wanted to move to Midway.
- Purchased a wide but shallow lot in Midway.
- The current 40-foot setback was reasonable.
- Wanted to build a single level house.
- Would have to build in the entire allowable width of the lot.
- Tried to design the house as shallow as possible.
- The proposed ordinance would not affect a lot of properties.
- Was told by staff that he probably would not receive a variance.
- Decided to request a code text amendment.
- His lot was subdivided from another property.
- A portion of the lot was dedicated to the City to improve the road.
- The lot also had public utility easements which were away from the actual locations of the utilities.
- Wanted to build to match the neighborhood.
- The Planning Commission went too far afield when it considered the ordinance.
- Purchased the lot in October of 2024.
- Spoke with the City Planner before he closed on the sale.
- Understood that the street dedication came off the lot. 28 feet were dedicated.
- Checked the setbacks before he bought the lot.
- Purchased the lot, knowing the setbacks, because he did not interpret it as a corner lot. Thought that he could reasonably obtain a variance if needed.

Michael Henke made the following comments:

- A lot of nonconforming houses in the R-1-22 and R-1-43 zones would benefit from the ordinance.
- The current setbacks and exception addressed the wide and shallow lots in the Sunflower Farms Subdivision. The setbacks encouraged openness.
- Every subdivision had to dedicate property for the rights-of-way. This was normal.
- The applicant's lot was in the Springer Family Subdivision which was approved with the current setbacks. Some of the properties to the south were not in a development and right-of-way was not dedicated.
- The ordinance would allow averaging of setbacks on a corner lot.
- Corner lots were treated as if they had two front setbacks.

Mr. Henke reviewed the setbacks, for the applicant's lot, if they were or were not for a corner lot.

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

- One lot subdivisions were regularly requested.
- There was a high threshold to obtain a variance in Utah.
- It was difficult to adopt the ordinance when the applicant knew the code requirements and setbacks before he purchased the property.
- The current setbacks were adopted to prevent an entire lot from being filled up with a house.

- The exception in the Municipal Code allowed an additional 10 feet for the depth of the 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.

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

- The intent of the current regulations was to look at changes over time and to mesh development with a neighborhood. This usually occurred in older neighborhoods.
- The proposal should not be implemented because it could continue almost indefinitely along a road.
- A compromise would be to taper off the averaging applied to the setbacks.
- The proposal would allow a 45- to 43-foot-deep house on the applicant's lot. The neighboring house was 38 feet deep. There was not a compelling reason to change the Code, which would affect other properties, for two feet.
- Any change should not be based on just one applicant or one property. It should be based on all possible applicants and potential properties.
- The Council should not set precedence that any applicant could change the Code if they dislike it.
- The lot was purchased not knowing that it could be considered a corner lot. The applicant did not think that he could use access to Ameyalli for a driveway.
- A change should not create ambiguity.
- The request should not be continued unless the Council was willing to approve it.
- Time was needed to consider any unintended consequences.

Motion: Council Member Drury moved to deny Ordinance 2025-03 for setbacks, amending Section 16.13.170 of the Midway City Municipal Code, with the following findings:

- The proposed amendment would allow the applicant to expand the footprint for his dwelling by reducing the front setback to the average of the two residences to the south of the subject property. Whereas applying the current code would result in a house depth ranging between 36 and 43 feet, the requested code text amendment would increase the house depth to 45'.
- While the Applicant sought the code text amendment for his specific residence, any such amendment would apply to other lots which met the same requirements, including potentially corner lots.
- The current setbacks in the R-1-22 were the same as existed at the time the subdivision was approved, the plat map was recorded, as well as when the applicant purchased the property.
- The Midway City Planning Commission recommended denial.
- Changing the Municipal Code would have too broad of an impact across Midway City.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Simons made the following comments:

- Liked Council Member Simonsen’s alternative.
- The issue should be considered further.
- The intent of the current regulations was to eliminate huge houses on small lots which was not the case in this situation.

Council Member Drury responded that the Council and staff were not precluded from considering other code changes or the applicant considering other options.

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

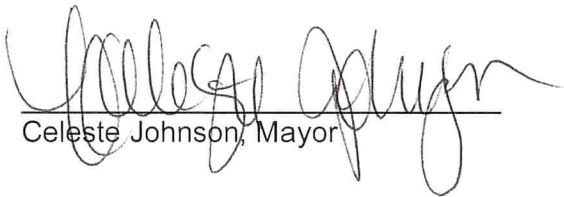
Council Member Drury	Aye
Council Member Orme	Nay
Council Member Payne	Aye
Council Member Simons	Aye *
Council Member Simonsen	Aye

* Council Member Simons indicated that he voted for the motion with the direction to see if it might work for the applicant in another way. Mayor Johnson clarified that if there was another alternative the Council would consider it.

9. Adjournment

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

The meeting was adjourned at 8:14 p.m.


 Celeste Johnson, Mayor


 Brad Wilson, Recorder