

# MINUTES OF THE MIDWAY CITY COUNCIL

## (Budget Meeting)

Wednesday, 6 April 2016, 1:00 p.m.  
Midway City Office Building, Downstairs Conference Room  
75 North 100 West, Midway, Utah

**Note:** Notices/agendas were posted at 7-Eleven, Ridley's Express and the Midway City Office Building. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Building Official, Treasurer, Public Works Crew Chief, 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; Opening Remarks or Invocation; Pledge of Allegiance

Mayor Bonner called the meeting to order at 1:15 p.m.

#### Members Present:

Colleen Bonner, Mayor  
Ken Van Wagoner, Council Member  
Karl Dodge, Council Member  
Kent Kohler, Council Member  
Lisa Christen, Council Member  
Bob Probst, Council Member

Kraig Powell, Attorney (Left at 1:50 p.m.)  
Cory Lott, Public Works Crew Chief  
Shane Owens, Public Works Assistant Crew Chief  
Wendy Johnson, Building Official (Left at 2:30 p.m.)  
Brad Wilson, Recorder/Financial Officer

#### Staff Present:

Michael Henke, Planning Director (Left at 2:30 p.m.)

#### Others Present:

None

### 2. Department Reports

Mayor Bonner indicated that department reports be considered first.

#### Colleen Bonner, Mayor

**Local Art Displayed at City Office Building** – Mayor Bonner explained that the City was encouraging local artists to display their artwork in the City Office Building. She further explained that the content of the artwork had to meet certain standards. She said that a resident complained that the City could not censor the artwork that was displayed.

Kraig Powell added that the City was essentially creating a public forum, by allowing the artwork to be displayed on its property, and according to the 1<sup>st</sup> Amendment to the United States Constitution could not limit its content.

Mayor Bonner indicated that the program would be discontinued to avoid further controversy.

**Mountain Goat Apartments/Conditional Use Permit** – Mayor Bonner reported that Jean Hoover, who had received approval with conditions for a mixed-use development at 269 East Main Street, proposed an eight-foot setback on the west side and a four-foot setback on the east side of the project. She asked the Council if it would consider amending its approval based on the new proposal.

Michael Henke recommended that the neighbors be notified if a change to the approval was considered. Kraig Powell indicated that a public hearing would not be required.

Mr. Powell reported that the Council would consider a notice of pending ordinance regarding the setbacks in the commercial zones.

Mayor Bonner asked Council Member Christen's opinion. Council Member Christen responded that she would recuse herself from any formal consideration of the project. She made the following comments:

- An amendment should be considered because the new proposal resolved the safety and firefighting issues.
- The apartments would not have doors or windows on the walls closet to the property line.
- The City would allow other setback exceptions in the future.

Council Member Van Wagoner opposed reconsidering or amending the motion and made the following comments:

- The new proposal would set precedence.
- Opposed apartments with alleys.
- Apartments were actually a residential use.
- If someone wanted to build a true commercial development, then they would purchase several lots.

Council Member Kohler supported reconsidering the issue and made the following comments:

- The Council allowed zero setbacks for the new bank building and other businesses.
- Thought that commercial uses should be given preference in the commercial zones.
- The apartments were part of a mixed-use development which was a commercial use.
- Recommended six-foot rather than eight-foot side setbacks. The additional two feet did not make that much difference when fighting a fire.
- Would probably have to fight any fire in the apartments through a front door.

Council Member Dodge recommended reconsidering the setback requirements in the commercial zone before considering an amendment to its approval for the development. He made the following comments:

- The lot bordering the development on the east was purchased while the Municipal Code recommended a 15-foot setback.
- The reason to allow mixed-use developments was to encourage commercial development.
- There should not be rows of apartments behind the commercial uses along Main Street.
- The Council was not obligated to approve the design of a development as it was presented.
- Ms. Hoover should redesign the development to meet the conditions of the approval.
- The approved eight-foot setbacks were a compromise.
- Might support 15-foot setbacks.

Mayor Bonner made the following comments:

- Originally mixed-used developments were supposed to be in the same building.
- Worried that the Council, if it reviewed the setback requirements, might return to the original definition of mixed-use which would prohibit Ms. Hoover's development.
- The current definition allowed for separate apartments so that the long and narrow lots along Main Street could be fully developed.
- The Municipal Code allowed for Council discretion with commercial setbacks next to residential uses.
- Not all uses fit into the same box.
- The Council was elected to make difficult decisions.
- Council Member Van Wagoner had expressed to her his concern that the apartments would be out of sight behind a business. This would be a concern for law enforcement.

Council Member Probst made the following comments:

- The setback requirements should be revised to avoid ambiguity or exceptions, especially when considering a residential use behind a commercial building.
- The City should enforce its ordinances.

Michael Henke indicated that the setback requirements could be revised to eliminate any debate or ambiguity.

Kraig Powell indicated that the Council needed to consider infill development and encouraging commercial development as it revised its setbacks. He noted that in some cases residential uses received preference in commercial zones. He said that the definition of a mixed-use development needed to be better defined.

Mr. Henke explained that residential uses in the commercial zones abided by the R-1-7 standards.

Council Member Christen asked if an application had been received for a similar type of apartments, behind commercial, two lots to the west of Ms. Hoover's property. Mr. Henke responded that he received a concept plan for that property and there would not be any issues with the setbacks.

Mr. Henke also explained that mixed-use developments, prior to the code text change the year before, had to have the living space below or above the commercial use. He said the change facilitated the use of the entire lot. Council Member Van Wagoner pointed out that the project could not have been approved prior to the change.

Kraig Powell, Attorney

**Ridley's/U-Haul Franchise** – Mr. Powell reported that a meeting would be held the following week, with someone from Ridley's Family Markets, regarding problems with the business' U-Haul franchise.

**Matt Johnson/School District/Michie Lane** – Mr. Powell reported that a conference call was schedule with Matt Johnson who owned the property north of Midway Elementary.

**Note:** Kraig Powell left at 1:50 p.m.

**LDS Church/Michie Lane** – Michael Henke reported that a conference call had been held with representatives of The Church of Jesus Christ of Latter-day Saints (LDS Church). He said the LDS Church was willing to sell some of its property, on the north side of Michie Lane, for \$18,000 instead of the original quote of \$20,000. He said that it would take about four weeks for the LDS Church to finalize the offer.

**3. FY 2017 Budget - Review and Discuss the Preliminary Fiscal Year 2017 Budget for Midway City**

Brad Wilson gave an introduction to the preliminary budget. He specifically reviewed state requirements and the general organization of the budget. He indicated that five-year revenue and expenditure trends could be reviewed for the major funds. He also indicated that data could be reviewed for the Resort Communities Tax.

Mr. Wilson and the appropriate department heads presented the estimated revenue and proposed expenditures for each fund. They were discussed by the meeting attendees.

Mr. Wilson specifically reviewed the Resort Communities Tax and explained that the City would be unable to levy it after the 2020 Census. He explained that the General Fund expenditures would be reduced by an additional \$100,000 each year to prepare for the loss of the tax.

Mayor Bonner asked the Council if employees should receive a cost of living adjustment

(COLA). The Council indicated that employees should receive a COLA but that the Council should not.

Mayor Bonner asked that the amount of tax incentives, paid to the grocery store, and the remaining balance for the cemetery bonds be included in the budget notes.

The Council agreed to meet again on 2 May 2016 at 2:00 p.m. to further discuss the budget.

#### 4. Adjournment

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

The meeting was adjourned at 5:01 p.m.

  
Colleen Bonner, Mayor

  
Brad Wilson, Recorder