

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

**Tuesday, 6 July 2021, 5:00 p.m.  
Midway Community Center, 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, 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 5:03 p.m.

**Members Present:**

Celeste Johnson, Mayor  
Steve Dougherty, Council Member  
Jeff Drury, Council Member  
Lisa Orme, Council Member  
Kevin Payne, Council Member  
JC Simonsen, 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. Resort Communities Tax / Review & Discussion** (City Recorder – Approximately 20 minutes) – Review and discuss the Resort Communities Tax levied by Midway City.

Brad Wilson gave a presentation on the resort communities tax.

**Note:** A copy of Mr. Wilson’s presentation is contained in the supplemental file.

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

- Staff should project buildout for the City.
- The number of primary versus secondary residences would impact the ability to levy the tax.
- Population rather than housing had the direct impact on levying the tax.
- Was growth accelerating?

- The property tax rate would have to be doubled to compensate for the loss of the resort tax.
- More HOAs were prohibiting transient rentals.
- The percentage of secondary residences was decreasing, and the percentage of primary residences was increasing.
- Allowing nightly rentals everywhere in the City was an option but it would be detrimental.
- Nightly rentals competed with affordable housing.
- More nightly rentals should be allowed but in a balanced way.
- A more concise plan should be done when the census count for Midway was available.
- The State Legislature would not lower the required percentage of transient rental capacity.
- Should the City be a bedroom or a resort community?
- The notion of nightly rentals should be broadened to include campgrounds, etc.
- Building another resort like the Homestead in the future was reasonable.
- Would investors be interested in another resort within ten years?
- Was the City using the resort tax revenue efficiently or just transferring it to its capital projects fund?
- Over time was the resort tax a greater or smaller percentage of revenue and expenditures?
- The City was different from a business.
- Resorts and nightly rentals created a lot of jobs.

**3. Ordinance 2021-13 / Non-Conforming Buildings and Uses** (City Planner – Approximately 20 minutes) – Discuss Ordinance 2021-13 amending Section 16.26.8 (Non-Conforming Buildings and Uses) of the Midway City Municipal Code regarding non-conforming buildings and uses. Recommended without conditions by the Midway City Planning Commission.

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

- Reasons for the proposal
- Background
- Proposed language
- Example

Mr. Henke also made the following comments:

- The proposed ordinance would help staff work with owners of non-conforming buildings.
- Wanted more flexibility.
- There were a lot of non-conforming buildings in Midway.
- Currently the structure of a non-conforming building could not be modified.
- The proposal would require an addition to a non-conforming building to meet the current setbacks.
- It did not affect the building codes.
- A lot of garages were non-conforming and could not be expanded because of the setbacks.

**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 not an equal protection issue with the proposal.
- A property owner should not be penalized for converting a commercial structure to residential.
- A commercial structure could not be converted to residential in the commercial zones unless it became mixed use. This restriction should be eliminated.
- A structure in the commercial zone could not be razed and replaced with a house.
- It was unique to have houses on Main Street and that should be maintained and encouraged.
- Only 5% of the City was zoned commercial and that should be protected.
- Houses should not be razed just because of the Municipal Code.
- The Municipal Code should be flexible.

**4. Ordinance 2021-14 / Off-Street Parking and Loading Uses** (City Planner – Approximately 20 minutes) – Discuss Ordinance 2021-14 amending Section 16.13.39 (Off-Street Parking and Loading Uses) of the Midway City Municipal Code allowing narrower commercial driveways for existing structures. Recommended without conditions by the Midway City Planning Commission.

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

- Background
- Minimum standards
- Proposed language

Mr. Henke also made the following comments:

- The proposal would allow modifications to driveway widths.
- It created flexibility.
- The concerns of the Planning Commission had been addressed.

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

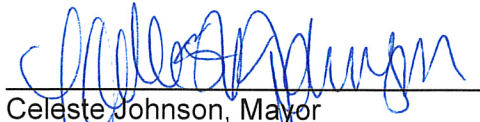
The Council, staff and meeting attendees discussed the following items:

- Businesses could use off-site parking.
- Driveways were needed because businesses were required to have a minimum amount of on-site parking.
- Midway should be a walkable community.
- Some public parking in the right-of-way could be used for the required parking because it was in the green space.

**5. Adjournment**

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

The meeting was adjourned at 5:59 p.m.



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Celeste Johnson, Mayor



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Brad Wilson, Recorder