

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

**Tuesday, 5 December 2023, 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 5:00 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member (Participated electronically)
Kevin Payne, Council Member
JC Simonsen, Council Member

Staff Present:

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

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

2. Senate Bill 174 (Approximately 60 minutes) – Receive a presentation and discuss Senate Bill 174 and companion legislation regarding local land use.

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

- Meeting of the Unified Economic Opportunity Commission
- Comments by Governor Spencer Cox
- Comments by State Senator Lincoln Fillmore
- Previous legislation
- Performance audit of Utah housing policy
- Key findings of the audit committee
- Other findings of interest
- Audit recommendations
- Response of the Utah League of Cities and Towns

- Housing infrastructure
- How SB 174 would affect Midway.
- Types of development that were not affected by SB 174.
- Approval deadlines
- Engineering disputes and review panel

Ms. Villani also made the following comments:

- SB 174 did not indicate if separate phases would be considered separate applications.
- The State Legislature would anticipate that local governments would try to circumvent the new law, such as downzoning then increasing density under certain conditions.
- The City had to comply with SB 174 before the end of 2024.

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

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

- The demand for housing would continue to outstrip supply in Midway. This would keep housing unaffordable.
- The housing audit recommendations did not consider differences throughout the State.
- Periodically the City prepared a list of lots and units that were approved but not built upon or constructed.
- Was the State's goal to build houses or address housing affordability.
- Just emphasizing more housing benefited large developers and allowed builders to sell at market value.
- The City now needed to document well its development approval process and meet the new deadlines.
- What would be an adequate response from a developer according to SB 174? Ultimately, a judge would have to decide.
- The City could not supplement the statute.
- Each phase of a development needed to function autonomously.
- A lot of time was spent reviewing drawings and insuring they were at the necessary quality.
- Possible responses to SB 174 could not be discussed in a closed meeting.
- A taking usually occurred when 70% to 80% or more of a property's value was taken by a regulation.
- Residents would rebel if the City reduced density then increased it again.
- The City had been able to negotiate with developers to obtain somethings that were not required by the Municipal Code.
- Legislative but not administrative decisions would still come before the Council.
- Negotiating was still possible with legislative decisions.
- It was concerning that elected officials would be removed from the development approval process.
- Could the Council impeach a member of the land use authority?
- Could someone other than the applicant, like a resident or the Council, appeal a development decision?
- The land use administrator would have ultimate approval authority.
- Residents would not have legal standing.

- Could the Council indicate its preferences to the land use authority?

3. Law Enforcement

Council Member Simonsen reviewed law enforcement agencies with jurisdiction over multiple municipalities.

Council Member Simonsen also made the following comments:

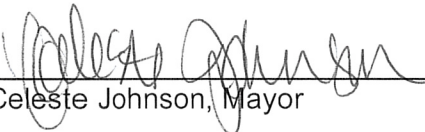
- Was working with Mayor Johnson regarding law enforcement options.
- Contacted multiple people regarding what different municipalities did for law enforcement. This included Spring City and Sanpete County.
- Spoke again with the Wasatch County Sheriff.
- Talked to the Heber City Police Department.
- Gathered data and received some good information.
- Information was also being sought on traffic and speed control.
- Could review the issue again in January. The Council would then need to decide how to proceed.

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

- More than traffic control was needed.
- Inappropriate parking and snow removal during the winter also needed to be enforced.

4. Adjournment

The meeting was adjourned at 6:03 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder