



Memo

Date: 17 May 2024
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 7 May 2024 City Council Regular Meeting

Please note that the following minutes await formal approval and are in draft or unapproved form.

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

**Tuesday, 7 May 2024, 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 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; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:13 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, 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.

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

2. Consent Agenda

- a. Agenda for the 7 May 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 16 April 2024 City Council Work Meeting
- d. Minutes of the 16 April 2024 City Council Regular Meeting
- e. Minutes of the 29 April 2024 City Council Budget Meeting

Note: Copies of items 2a through 2e are contained in the supplemental file.

Council Member Orme asked about the warrant for the Cottages on the Green pumps. Wes Johnson explained that they were old and needed to be replaced.

Motion: Council Member Drury moved to approve items 2a through 2e on the consent agenda.

Second: Council Member Simons 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 for items not on the agenda. No comments were offered.

4. Department Reports

Hamlet and Centennial Parks / Playground Equipment

Council Member Simonsen reported that new playground equipment had been installed in the Hamlet and Centennial parks.

Founders' Day

Council Member Simonsen reported that Founders' Day would be held on June 1st.

Center Street Trail / Grant

Council Member Simonsen reported that a \$750,000 grant had been received for the trail along the north section of Center Street. He thanked Nancy O'Toole for obtaining the grant.

River Road / Condition

Council Member Drury noted that a section of River Road was failing and asked how old it was. Wes Johnson responded that the warranty period had not been concluded for the development that was associated with the work. The developer indicated that he would redo that section that summer.

Council Member Drury was concerned about work being done on River Road and Center Street at the same time. Mr. Johnson thought that work on both roads would overlap for two weeks.

River Road and Main Street / Traffic Signal

Wes Johnson reported on the planned traffic signal and the intersection of River Road and Main Street. He noted that Main Street would also be improved from 300 East to 500 East including the power being buried. He added that the traffic signal poles would have a black powder coat.

Historic Preservation Committee / Oral Histories / Plaques

Council Member Simons reported that the Midway City Historic Preservation Committee was obtaining oral histories from certain residents. The Committee would also install plaques at ten historic houses.

Cemetery / Condition

Council Member Orme reported that the City's cemetery looked better.

5. Tentative FY 2025 Budget / Adoption (Budget Officer – Approximately 20 minutes) – Discuss and possibly deny, continue, or adopt a tentative budget for FY 2025.

Mayor Johnson indicated that the Council held extensive meetings to prepare the budget. Council Member Simonsen added that several major items were still being discussed.

Motion: Council Member Simonsen moved to adopt the tentative budget as shown.

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. Tentative FY 2025 Budget / Set Public Hearing (Budget Officer – Approximately 5 minutes) – Discuss and possibly deny, continue, or set a public hearing, on the tentative budget for FY 2025, for 21 May 2024, 6:00 p.m. at the Midway Community Center (160 West Main Street, Midway, Utah).

Motion: Council Member Simons moved to set a public hearing for 21 May 2024 for public

comment on the tentative budget for FY 2025.

Second: Council Member Payne 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

7. Resolution 2024-14 / Animal Services MOU (Council Member Simonsen – Approximately 30 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-14 adopting a memorandum of understanding (MOU) regarding changes to animal services.

Parker Sever, Heber City Police Chief, gave a presentation regarding animal services and reviewed the following items:

- Summary of services offered by Heber Valley Animal Services (HVAS)
- HVAS facility
- Historic performance
- Expenditures and revenue
- HVAS Advisory Board's goals
- Outside discussions
- Summary of proposed memorandum of understanding (MOU)
- 2024-2025 draft budget
- Next steps

Chief Sever also made the following comments:

- The percentage of calls for each community were similar to their percentage of the population.
- Heber City would still want its own animal services officers.

Note: A copy of Chief Sever's presentation is contained in the supplemental file.

Katie Villani gave a presentation and reviewed the following items:

- Original animal services agreement
- Animal services revenue and expenses
- Proposed MOU

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 City could not require a property tax notice line item specifically for animal services.
- Interlocal agreements could become complex.
- The MOU was written to accommodate a future special service district.
- Population was the fairest way to distribute costs, but it needed to be updated regularly. It would be fairer if it was countywide and included all communities.
- A new truck and increased staff would not be sought in that upcoming budget year.

Motion: Council Member Simonsen moved to continue the item until the MOU was finalized and ready for further review.

Second: Council Member Payne 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 2024-09 / Term Limits (Council Member Drury – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-09 amending the Midway City Municipal Code to establish term limits for elected and committee officials.

Council Member Drury gave a presentation regarding the proposed ordinance and reviewed the following items:

- Why term limits?
- Pros of term limits
- Cons of term limits
- Proposed language and intent

Council Member Drury also made the following comments:

- Did not see a problem in Midway that needed to be addressed, but there was a problem generally.
- Some current members of the United States Senate had been serving for up to 50 years.
- Midway adopting term limits would be an example for Congress.
- Local elected officials did not make decisions for political reasons for the most part.

Note: A copy of Council Member Drury's presentation is contained in the supplemental file.

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

- Some elected officials could serve longer than two terms if they still had the passion.
- Midway was small enough that it did not need term limits.
- Elected officials needed time to learn their responsibilities.
- The residents should vote and decide who their elected officers would be.
- What if no one wanted to run for an office?
- Term limits would be problematic if residents only wanted to run based on a hot button issue.
- Term limits took away privileges from voters.
- Local elected officials were less politicians and more community servants.
- Term limits would be a positive because it would bring in new officials and new ideas.
- The Council's assignments could be rotated to have new ideas and maintain energy.
- Data indicated that a single term was the most effective form of term limits.
- The terms for officials should be staggered.
- All the City's committees had the same limit of two terms. Why should the elected officials not also have such limits?
- A voter should be able to vote for someone if they liked them regardless of how many terms they had served.
- Midway had a lot of residents that were qualified to serve.
- New members of organizations were helpful.
- Residents should be able to choose their elected officials.
- You could not compare the City Council to Congress.
- The Council could send a letter to Congress supporting term limits.

Motion: Council Member Orme moved to deny Ordinance 2024-09 and not move forward with term limits.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Simonsen said that he never saw any corruption in the City and was grateful for the community.

Council Member Payne indicated that there were significant problems in Congress but not in Midway. He did like Midway being an example for change by adopting such things as term limits.

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

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

9. Open Space Committee / Open Space Bond (Courtland Nelson – Approximately 30 minutes) – Discuss and deny, continue, or approve funds for a survey and request a

recommendation from the Midway City Open Space Advisory Committee regarding placing a second open space bond on the ballot.

Courtland Nelson, Midway City Open Space Advisory Committee Chair, gave a presentation regarding a second open space bond and reviewed the following items:

- Summary of work thus far
- Deadlines
- Cost to place a bond on the ballot.
- Cost to issue bonds
- Motion by the Committee

Chair Nelson also made the following comments:

- Eventually there would need to be a data collection process.
- A scientific survey would cost at least \$10,000.
- There were other things that the Committee wanted to know.
- Wanted to get to the questions behind the questions.
- Had a list of survey firms certified by the Mountainland Association of Governments (MAG).
- Utah Valley University (UVU) could also collect, analyze, and provide information.
- Did not want to make assumptions.
- Some residents had survey fatigue.
- Needed to know what residents would ask at meetings regarding another bond.
- Needed better and more detailed information.
- People were needed who could stand up and say what they had found.

Note: A copy of Chair Nelson's presentation is contained in the supplemental file.

Council Member Payne reviewed the cost per \$100,000 of property value for a second bond. He also reviewed the cost per \$100,000 of property value from the beginning of the first bond to 2023. He noted that the cost had decreased because of continued commercial and residential growth.

Council Member Payne also made the following comments:

- The City had 10 years to issue a bond once it was approved by the voters. This gave the City flexibility.
- There were commitments for open space that had not closed.
- Other landowners were waiting to see if another bond would be approved.
- Costs would increase the longer the City waited.
- Strongly supported a second bond and encouraged the Council to also support it.
- The next step was to authorize the Committee to do a survey and gather data. This did not commit the City to putting a bond on the ballot.
- A survey should help the Council decide the amount of a bond.

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

- The City had a track record of effectively preserving open space and using bond money.
- A resolution would need to be adopted in August and would have to include the ballot language.
- Having the bond on the ballot was the ultimate survey.
- The design and questions of a survey were important. At least 300 to 350 random residents needed to respond to it to be valid.
- Residents were being hit hard with taxes and were concerned about their tax burden.
- It was worth asking the residents if they supported another bond.
- \$10 million was too much to ask for.
- Property taxes were a hot button issue.
- The City should not waste money.
- Any survey should be scientific and random.
- People needed to be informed when they spoke. There needed to be opportunities to inform the public.
- The Council should hear from an expert on collecting information and data.
- The City should be given guidance on any survey results.
- Data with academic rigor to it was valuable.

Mayor Johnson indicated that the Council supported a survey. Chair Nelson indicated that the Committee would come back to the Council with an amount for a survey and data collection.

Motion: Council Member Orme moved that the Open Space Committee continue putting together a public survey which would be scientific, that the City could move forward with, and bring back to the Council the costs and the specifics so that it could be approved later.

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

Motion: Without objection, Mayor Johnson recessed the meeting at 9:01 p.m. She reconvened the meeting at 9:12 p.m.

10. Land Use and Development Process / State Mandated Changes (City Attorney and City Planner – Approximately 2 hours) – Discuss implementing state mandated changes regarding land use and the development process including SB 174 (2023).

Michael Henke gave a presentation regarding the changes and reviewed SB 174. Mr. Henke also made the following comments:

- Was directed by the Council to develop options related to SB 174.

- The State Legislature wanted codes that they liked and have cities implement them.
- All the City's subdivision regulations had been recently revised. Did they need to be revised further?
- It was difficult to find options that circumvented the state mandates.
- Rezoning to reduce density would have negative consequences. The Legislature could target the City. Was it fair for property owners? The neighbors would oppose returning to the original density. Multiple public hearings would be required. A project might not come to the City Council if a developer did not want the original density.
- Staff should research whether legislative development agreements could still come before the Council. Such agreements could only be used if both the developer and the City agreed. Developers used them if they felt they would get something significant in return. Developers saw them as a way to circumvent the zoning regulations.
- Southill would have come to the Council under SB 174 because it required a zone change and included mixed-use development.
- The Planning Commission was not required to review developments under the legislation.
- Individual council members could always meet with staff regarding developments. Standing times could be established for such meetings.
- The City's zoning map would need to be amended to expand its annexation boundary. Such amendments were time consuming. There were other ways to change the regulations for a zone.

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

Corbin Gordon made the following comments:

- The City could not force a development to come before the Council. A developer could request it but why would they?
- Staff could report to the Council on each development to keep them updated.

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

- Only one public hearing was allowed during the approval process.
- The City should review past developments to see what was negotiated and what concessions were given. This information could be used to revise the Municipal Code.
- Developers would still have to come to the Council to receive additional residential density in the commercial zones.
- Developments coming before the Council facilitated interaction.
- The Council should consider how planning commission members were chosen because they and the staff would now review and approve many projects.
- It was difficult for the Council to wait and watch the effects of code changes.
- The Council needed to receive information so that they could review and change the Code as needed. Reports could be given to the Council before and after developments were approved.
- Should a work meeting be held to review the City's zoning map? The Council should know where the 1,000 entitled lots were in the City.
- The City needed to focus on the undeveloped properties and how they could be developed.

- A coverage limitation for commercial and some residential zones should be considered to avoid houses that were too large for a lot.
- People wanted Main Street to remain eclectic. This was encouraged by converting houses to businesses.
- The code and process changes should begin immediately.
- The Council should consider a performance-based land use code.

11. Adjournment

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

The meeting was adjourned at 10:04 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder