



Memo

Date: 14 August 2025
To: Mayor, City Council, and Staff
Cc: File
From: Brad Wilson, City Recorder
RE: Café Galleria Parking Lease

Council Member Drury made a motion at the 6 May 2025 council meeting approving the lease of public parking stalls to Café Galleria. A copy of the meeting minutes is attached.

The Midway City Municipal Code Section 2.02.030 (Form and Character of Motions) states the following:

- A. Upon review of the public record on a request and due deliberation among the members of the City Council, any member of the City Council, except the Mayor, may make a motion. The motion shall include not only the direction of the motion (table, continue for further investigation, return to referring body for further study, approval, approval with conditions, or denial), but also a recitation of the specific findings and conclusions supporting each motion.
- B. A second shall be required for each motion (a motion shall die in absence of a second).
- C. Discussion and amendments on the motion may then follow.
- D. Reconsidering a motion enables a majority to bring back for further consideration a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. It can be made only by a member who voted with the prevailing side.

Council Member Drury requested that the Council reconsider his motion in accordance with Subsection “D” above. Please contact him or me if you have any questions.

MINUTES OF THE MIDWAY CITY COUNCIL (Meeting)

**Tuesday, 6 May 2025, 6:00 p.m.
Midway City Office Building, Upstairs Conference Room
75 North 100 West, 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

Mayor Pro Tempore Payne called the meeting to order at 6:03 p.m.

Members Present

Kevin Payne, Mayor Pro Tempore
Jeff Drury, Council Member (Participated Electronically)
Lisa Orme, Council Member (Participated Electronically)
Craig Simons, Council Member
JC Simonsen, Council Member

Wes Johnson, City Engineer (Left at 8:50 p.m.)
Camille Palmer, Mayoral Assistant
Nancy Simons, Budget/Accounting
Brad Wilson, City Recorder

Others Present

Waseem Abusbeih, Café Galleria Manager
Rob Bouwhuis, inForm Architecture
Andy Jenkins, Café Galleria Owner
Scott Lewis

Members Excused

Celeste Johnson, Mayor

Staff Present

Michael Henke, City Planning Director

2. Consent Agenda

- a. Agenda for the 6 May 2025 City Council Meeting
- b. Warrants
- c. Minutes of the 15 April 2025 City Council Work Meeting
- d. Minutes of the 15 April 2025 City Council Regular Meeting

Note: Copies of items 2a through 2d are contained in the supplemental file for the meeting.

Mayor Pro Tempore Payne read the consent agenda.

Motion: Council Member Simons moved to accept items a, b, c, and d on the consent agenda.

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

* Council Member Orme recused herself from voting on the minutes because she was excused from those meetings.

3. FY 2026 Budget / Additional Information (Budget Officer – Approximately 15 minutes) – Receive and discuss additional information for the proposed FY 2026 tentative budget.

Brad Wilson gave a presentation and reviewed the following items:

- Vacuum truck
- Cell phones versus radios

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

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

- An additional \$67,500 a year would need to be added to the vehicle replacement fund for the vacuum truck. More would be needed to cover inflation.
- Could the cost of the truck be split with other agencies?
- Why did the City need a vacuum truck if other agencies didn't?
- The Midway Sanitation District did not have a vacuum truck. Heber City had two.
- What would Heber City charge the City to use one of its trucks along with an operator?
- How much would the City use the truck?
- Could a vacuum truck be rented on a weekend if there was an emergency?
- The City already had vacuum trailers.
- The portion of the truck's cost, paid by the Water Department, should be realistic.
- The truck might not be able to be used for the culinary water system and the sewer system.
- A vacuum truck had greater capacity than a vacuum trailer.
- Replacing additional water lines was added to the north Center Street trail project. This addition needed to be added to the budget.

- Push to talk apps were available for cell phones. This should be tried by the Public Works Department before a decision was made on purchasing radios.
- Were radios needed and the best use of the City's money?
- The proposed radios tied into Wasatch County's emergency services system.
- Reimbursing employees for use of their private cell phones was a concern.
- One cell phone was needed for the on-call employee.

Council Member Drury would provide the costs to upgrade the City's computer network.

Council Member Simons would contact the Public Works Department about the questions raised that evening.

4. Ice Rink Improvements and Activity Building (Mayor Johnson – Approximately 90 minutes) – Discuss improvements to the Midway City Ice Rink and/or constructing an activity building on the Town Square located at 150 West Main Street.

Rob Bouwhuis made the following comments:

- The proposed activity building could not be finished by Swiss Days of that year. It might be completed before the ice rink was opened.
- The plans would be ready in a week for bidding. It would be another three and a half weeks to receive bids.
- The construction site could be closed during Swiss Days.
- The building could be connected to the Community Center through the north conference room which was called the "Pie Room".
- Was told to keep the square footage of the building as small as possible.
- It was decided to keep the ice skates in the building year around.
- Space would be lost if the skate storage room was longer and slimmer.
- Wanted the glass on the north side of the building to protrude a little.
- The ice sheet should be moved at least eleven feet to the north.

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

- The City had not yet heard if it was awarded the second grant. This grant could be used to move or improve the ice rink.
- Accurate costs were needed for the budget.
- The Council still needed to visit the proposed site for the building.
- All planning should be completed before construction began.
- There should not be an alley or open area between the activity building and the Community Center.
- Eliminating the alley would block some of the windows to the council chambers. It would also create a well in the roof. The well could be eliminated with a flat roof. The flat roof could be moved to the east so that it would not be visible.
- The exit from the Community Center to the alley was needed to meet building code requirements for the long hallway.
- The rooms on the south side should be moved to the southwest corner of the building.
- There would not be enough room between the ice sheet and the building when the dasher boards were installed. The sheet would have to be moved to the north, or the building moved to the south.
- The current design for the building allowed an entrance without a jog.

- A representative of the ice rink should be included in the discussions.
- The improvements and building should be done well and not hurried.
- Moving the sheet would negatively impact the access to the chiller building.
- The north side patios could be moved to the west side to increase the space between the building and the sheet.
- The patios on the north created a connection.
- The building would be out of the dripline of the trees to the west.
- The building should be built the right size so that it would be useful over time and would relieve some of the demand on other buildings on the Town Square.
- A layout was needed to show how the building could be furnished and how people would flow through it.
- The building should be multi-use.
- The project was getting out of control.
- A new ticket trailer and warming trailer could be purchased for the ice rink for a lot less money.
- The alley between the building and the Community Center was a “relief valve”.
- Would the skates be moved to a basement so that more space was available in the building during the summer? The building would only have a crawlspace and not a basement.
- Should the projects be started that year if they possibly could not be done before the ice rink opened? Another year would give time to finalize all the planning. The planning should be completed by Swiss Days if construction was postponed for another year.
- A work meeting should be held on May 20th to visit the site of the proposed building. Plans with dimensions should be ready for this meeting. The basement of the Community Center should also be toured to see if it had room to store the skates.
- Could the Community Center basement be accessed from the proposed building?
- Increasing the size of the building would increase its cost.
- The already awarded grant money had to be spent within 28 months.

The council agreed to hold a work meeting on May 20th at 4 p.m., before the regular council meeting, to visit the proposed side of the building and tour the basement of the Community Center.

5. Café Galleria / Leasing Parking (Andy Jenkins – Approximately 30 minutes) – Discuss and possibly lease parking to the Café Galleria located at 101 West Main Street (Zoning is C-2).

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

- Current parking agreement
- Proposed parking agreement
- Applicant’s petition
- Location of the business
- Locations of the existing and possible parking spaces
- Municipal Code
- Cross parking agreements

Mr. Henke also made the following comments:

- The proposal including leasing the ten required additional parking spaces from the City. The applicant also wanted to lease ten extra parking spaces.

- The stalls designated for the business needed to be marked to avoid confusion.
- Council approval was needed to move three stalls from the business's property to public property.
- The public right-of-way on 100 West and in front of Alan Gile's property could be used for future parking stalls. These stalls would not be paved to prevent drainage onto Mr. Gile's property. The location of each stall would be marked on site even though that was not required by the Municipal Code.
- The requested stalls needed to be within walking distance of the business.
- The City was not required to lease parking stalls to businesses.
- A second business was proposed on the site of Café Galleria. The business license for the second business would not be issued until the required additional parking was provided. The applicant wanted to lease ten stalls southeast of the business, to meet this requirement, and ten stalls east of the Town Hall. The stalls would not be marked specifically for the business.
- The City leased a stall for \$250 a year. 20 stalls would cost \$5,000 a year.
- The City had never leased stalls before.
- Met many times with Mr. Giles. He did not want public parking in front of his property. If there was parking, he did not want it paved because water would drain onto his property.
- There would not be parking in front of the gate to his corral.
- Mr. Gile's hitching post would be removed.

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

Andy Jenkins, applicant, made the following comments:

- Parking was a challenge,
- There was ambiguity with parking.
- Wanted clarity concerning with no parking signs and cones. This would help everyone.
- Would do whatever possible to enforce the City's parking regulations.
- Would work with his employees and customers. Would direct them to use the stalls approved by the City.
- Extending the existing parking to the south was a natural solution.
- His employees could park at the Town Square instead of the leased stalls at the post office parking lot.
- A safe way to cross Main Street was needed.
- Was willing to pay more or do more to solve the parking problem.
- Paid \$3,000 a year for each stall in the post office parking lot.
- The new business on the property would publicize the parking on the north side of Main Street.

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

- A business could be built on Mr. Gile's property. It was not fair to designate the public parking in front this property for Café Galleria.
- It was a concern to lease already existing public parking to a specific business.
- Cross parking agreements between businesses were not a problem.
- The leasing provision in the Municipal Code was meant for new parking lots and not existing parking in the right-of-way.
- UDOT approved crosswalks at the intersection of Main Street and 100 West next to Café

Galleria.

- The City discussed leasing stalls in the post office parking lot for public parking. The cost was high.
- The owner of the Harvest Restaurant, on the corner of Main Street and 200 West, was interested in allowing access to a lot owned by the Dairy family. This lot could be used for public parking.
- The City needed to create more stalls if it wanted to lease parking to businesses.
- The proposed stalls in front of Mr. Gile's property should not be leased to Café Galleria. Stalls around the Town Square or in the general area could be leased.
- Any lease to Café Galleria should not set a harmful precedence for future leases.
- The revenue from leases should be used to expand parking.
- One of the purposes for leasing stalls was to preserve historic structures.
- The Municipal Code should be amended to prohibit leasing stalls in the City's right-of-way or on existing streets.
- The lease should be tied to Café Galleria being in a historic structure.

Motion: Council Member Drury moved to approve leasing 20 parking stalls around the Town Square, which was north of Café Galleria, and not approve leasing any parking south of the business. Council Member Drury further moved that the lease fee would be based on the City's fee schedule as amended from time to time.

Second: Council Member Simons seconded the motion.

Discussion: Michael Henke indicated that future changes to the lease fee would apply to existing leases. Council Member Orme said that the current fee was low. Council Member Simons recommended adjusting the fee before Café Galleria's lease was renewed in a year.

Council Member Payne recommended a finding that the lease was granted because Café Galleria was in a historic building. He added that this would set a precedence that vacant sites could not lease existing public parking. Council Member Drury responded that the Council had complete discretion whenever it considered lease requests. Michael Henke added that the Municipal Code would be amended to address the issue.

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 Pro Tempore Payne recessed the meeting at 8:10 p.m. He reconvened the meeting at 8:17 p.m.

6. TAP Tax Grants / Process and Parameters (Camille Palmer – Approximately 30 minutes)
– Discuss the process and parameters for requesting and awarding TAP tax funds.

Camille Palmer gave a presentation regarding the proposal and reviewed the following items:

- Building use limits
- TAP fund award budgets
- Administration process
- Proposed changes to the timelines
- Double-dipping
- Reviewing applications and funding sources
- Effective use of funds

Ms. Palmer also made the following comments:

- The proposal would not apply to already submitted applications.
- Wanted more structure for the application process.
- The fees for renting the City's buildings were affordable. The fee for using them on consecutive days was very affordable.
- Was caught in the middle of the applicants and the Council.
- Wasatch County and Heber City provided a list of what awarded funds could and could not be used for. A similar list would be helpful for Midway City.
- An applicant should stay within the parameters of their budget. They should not purchase large, permanent items like sound systems with unused money.
- It would be helpful for applicants to have guidelines.
- Should two council members continue to review applications and make recommendations to the entire council?
- How should the City plan for using TAP funds for its own projects?
- \$119,000 in TAP funds was left from FY 2024. \$104,000 was unspent in the current fiscal year.

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

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

- Renting the City's buildings should be a separate discussion.
- The City's buildings were for the public's use. They should be available but not abused.
- The City should not raise its rental fees just because people would pay the increased amount.
- Council Member Orme, who oversaw buildings, should meet with Ms. Palmer and come back to the Council with any fee changes.
- The City should allow some flexibility when comparing an applicant's budget to their actual expenditures. If the differences were egregious then the applicant's next application should be denied.
- What if an applicant underspent in a budget category?
- Did not like the scoring used by Wasatch County and Heber City.
- Awarded funds should not be used for scholarships.
- There were pros and cons to prohibiting certain expenditures.
- Good events should not be excluded because of a restriction on certain types of expenditures.
- Each event should be considered separately and based on what it added to the community.
- Applicants should be held accountable to what they included in their applications.

- Should the City pay half of the funds before and the other half after the event?
- The Council should not administer the grant program. It should give sufficient direction so that staff could administer it.
- The application should ask if funds were being sought for the same expenditures from different sources.
- A committee with two council members should continue to review applications and make recommendations to the Council. Council members could be assigned to the committee for periods of six months or a year.

Note: Wes Johnson left at 8:50 p.m.

- Should the City have to apply for TAP funds that it wanted to use? It could allocate funds for its own projects during the budget process.
- The TAP funds already awarded by the City were effective and used for good events and causes.
- Rental fees should not be waived if the requestor also received TAP funds for the event.
- It would be better for the City to purchase some items like risers, instead of applicants requesting TAP funds to buy them and then donating them to the City. Was space available to store these items?

Council Member Orme and Council Member Simonsen volunteered to review applications again. Council Member Simons requested to review the next round of applications because his woodcarving event would not be considered.

7. Priorities – Review priorities to be considered at future strategic planning meetings.

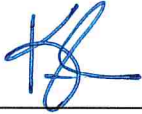
The Council, staff, and meeting attendees discussed the following items:

- A discussion of priorities should be postponed to the next strategic planning meeting.
- The Mayor added to the list of priorities the month that each item would be considered.
- Deadlines should not be set for the items. Some items might take several months to discuss.
- Steeples should be taken off the list.
- The resort zone changes should be removed.
- A new category of commercial development, like the rural preservation subdivision, was needed along Main Street.
- A clear definition of what qualified as affordable housing was needed.
- Lot coverage restrictions for single family homes on ½ to 1/3 acre lots was needed.
- A maximum footprint on Main Street properties was needed.
- How could the City encourage a variety of affordable housing instead of just high-density rentals?
- What caused a lack of affordable housing?

8. Adjournment

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

The meeting was adjourned at 9:19 p.m.

A handwritten signature in blue ink, appearing to be 'K. Payne', written above a horizontal line.

Kevin Payne, Mayor Pro Tempore

A handwritten signature in blue ink, appearing to be 'Brad Wilson', written above a horizontal line.

Brad Wilson, Recorder