

Midway City Council  
5 May 2020  
Regular Meeting

Warrants

Report Criteria:

Detail report.  
Invoices with totals above \$0 included.  
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>125</b>								
125	AMERICAN PLANNING ASSOCI	193313-2045	APA MEMBERSHIP July2020 to J	04/21/2020	446.00	.00		
Total 125:					446.00	.00		
<b>180</b>								
180	BISCO	1628003	replacement impact wrench	04/15/2020	450.92	.00		
Total 180:					450.92	.00		
<b>720</b>								
720	LATIMER DO IT BEST HARDWA	C159276	HAMMER	04/14/2020	47.98	.00		
Total 720:					47.98	.00		
<b>735</b>								
735	LES OLSON COMPANY	EA924047	1 year #4 gms Salt Lake	04/15/2020	3,965.30	.00		
Total 735:					3,965.30	.00		
<b>785</b>								
785	METALMART	81394	Plate/SHEET SHEAR CUTS	04/17/2020	183.98	.00		
Total 785:					183.98	.00		
<b>845</b>								
845	MOUNTAINLAND SUPPLY COMP	S103457545.0	MIDWAY ELEM METER	04/20/2020	371.20	.00		
845	MOUNTAINLAND SUPPLY COMP	S103502773.0	Water REPAIR CLAMP	04/16/2020	516.44	.00		
845	MOUNTAINLAND SUPPLY COMP	S103510301.0	CENTENNIAL PARK	04/20/2020	250.33	.00		
845	MOUNTAINLAND SUPPLY COMP	S103511013.00	Water METER	04/21/2020	423.26	.00		
845	MOUNTAINLAND SUPPLY COMP	S103511917.00	Water-	04/23/2020	10,828.80	.00		
845	MOUNTAINLAND SUPPLY COMP	S103522576.0	1 1/2 meter	04/28/2020	1,269.53	.00		
Total 845:					13,659.56	.00		
<b>875</b>								
875	OFFICE DEPOT	434719125001	PLANNER 8X10	01/28/2020	20.78	.00		
875	OFFICE DEPOT	434719451001	STAMP self ink	01/31/2020	23.01	.00		
875	OFFICE DEPOT	435157641001	hold business cards	01/29/2020	4.60	.00		
875	OFFICE DEPOT	435157641001	STAMP preink entered	01/29/2020	5.53	.00		
875	OFFICE DEPOT	435160175001	misc office supplies	01/29/2020	172.04	.00		
875	OFFICE DEPOT	435160176001	Sorter file	01/30/2020	24.74	.00		
875	OFFICE DEPOT	435160177001	Pocket fc letter 3	01/29/2020	6.49	.00		
875	OFFICE DEPOT	481854292001	OFFICE SUPPLIES	04/23/2020	193.46	.00		
Total 875:					450.65	.00		
<b>930</b>								
930	Dominion Energy	04132020-273	2731063797 Community Center	04/13/2020	414.96	.00		
930	Dominion Energy	04132020-577	5770020000 TOWN HALL	04/13/2020	768.51	.00		
930	Dominion Energy	04132020-655	6558550000 Maintenance Shop	04/13/2020	428.09	.00		
930	Dominion Energy	04132020-655	6558550000 Maintenance Shop	04/13/2020	293.79	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
930	Dominion Energy	04132020-680	6801020000 Admin Office	04/13/2020	140.91	.00		
Total 930:					2,046.26	.00		
<b>955</b>								
955	REAMS	949877	Cory Lott - clothing allowance	04/22/2020	560.51	.00		
Total 955:					560.51	.00		
<b>1000</b>								
1000	RURAL WATER ASSOC OF UTA	6745	Design and Complete Confidence	04/29/2020	100.00	.00		
Total 1000:					100.00	.00		
<b>1045</b>								
1045	STANDARD PLUMBING SUPPLY	KVVB57	STATUE	04/20/2020	12.98	.00		
1045	STANDARD PLUMBING SUPPLY	KVWV55	CENTENIAL PARK	04/20/2020	57.00	.00		
1045	STANDARD PLUMBING SUPPLY	KVXH11	WATER	04/21/2020	16.26	.00		
1045	STANDARD PLUMBING SUPPLY	KWF018	VALAIS PARK WHITE SPRAY PA	04/23/2020	12.98	.00		
1045	STANDARD PLUMBING SUPPLY	KWF297	CEMETERY	04/23/2020	47.44	.00		
1045	STANDARD PLUMBING SUPPLY	KWXX97	CENTENIAL PARK	04/29/2020	4.25	.00		
Total 1045:					150.91	.00		
<b>1250</b>								
1250	UTAH LEAGUE OF CITIES & TO	04202020	2020-2021 MEMBERSHIP FEE	04/20/2020	4,706.60	.00		
Total 1250:					4,706.60	.00		
<b>1255</b>								
1255	UTAH LOCAL GOVERNMENTS T	1582211	Auto Physical Damage	04/10/2020	92.24	.00		
1255	UTAH LOCAL GOVERNMENTS T	1582212	WORKERS COMP Policy - Monthl	04/01/2020	1,285.52	.00		
Total 1255:					1,377.76	.00		
<b>1310</b>								
1310	WASATCH AUTO PARTS	194777	OIL FOR DODGE	04/27/2020	83.97	.00		
1310	WASATCH AUTO PARTS	194893	GL WHITE	04/28/2020	6.69	.00		
Total 1310:					90.66	.00		
<b>1360</b>								
1360	WASATCH COUNTY SOLID WAS	0424-.80293	80293 Centennial park	04/24/2020	220.00	.00		
Total 1360:					220.00	.00		
<b>1365</b>								
1365	WAVE PUBLISHING	J80786	WINDOW SECURITY PEAL AND	03/31/2020	226.00	.00		
1365	WAVE PUBLISHING	J80787	Regular security peel & seal Envel	03/31/2020	210.00	.00		
1365	WAVE PUBLISHING	L16830	NOTICE OF BONDING OPEN SP	03/31/2020	143.38	.00		
Total 1365:					579.38	.00		
<b>1429</b>								
1429	ALSCO / AMERICAN LINEN	LSAL2325798	2 PLY/BLEACHED ROLL TOWEL	03/17/2020	928.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 1429:					928.00	.00		
<b>1603</b>								
1603	ROCKY MOUNTAIN POWER	04212020	SWISS MOUNTAIN PUMP	04/21/2020	12.23	.00		
Total 1603:					12.23	.00		
<b>1989</b>								
1989	BANKCARD CENTER	1229 - 040220	TRACTOR SUPPLY - EQUIPMEN	04/02/2020	904.39	904.39	04/20/2020	
1989	BANKCARD CENTER	1229 - 040220	TRACTOR SUPPLY-EQUIPMENT	04/02/2020	53.20-	53.20-	04/20/2020	
1989	BANKCARD CENTER	1229 - 040220	WESTERN FLEET SALES	04/02/2020	100.00	100.00	04/20/2020	
1989	BANKCARD CENTER	1229 - 040220	AMAZON-EQUIPMENT	04/02/2020	42.50	42.50	04/20/2020	
Total 1989:					993.69	993.69		
<b>2070</b>								
2070	MIDWAY HERITAGE FOUNDATI	04302020	Final Invoice for Delta Stone-Reim	04/30/2020	6,529.00	.00		
Total 2070:					6,529.00	.00		
<b>2264</b>								
2264	GRAINGER	9512200214	CEILING TILE	04/22/2020	383.50	.00		
Total 2264:					383.50	.00		
<b>2377</b>								
2377	RIDLEY'S FAMILY MARKETS	0090	plates for shop	04/27/2020	12.16	.00		
2377	RIDLEY'S FAMILY MARKETS	04202020	SALES AND USE TAX (OCTOBE	04/20/2020	3,435.60	.00		
2377	RIDLEY'S FAMILY MARKETS	04202020	RESORT TAX (OCTOBER 2019)	04/20/2020	1,974.13	.00		
2377	RIDLEY'S FAMILY MARKETS	04202020	SALES AND USE TAX (NOVEMB	04/20/2020	2,957.19	.00		
2377	RIDLEY'S FAMILY MARKETS	04202020	RESORT TAX (NOVEMBER 2019	04/20/2020	1,751.99	.00		
2377	RIDLEY'S FAMILY MARKETS	04202020	SALES AND USE TAX (DECEMB	04/20/2020	4,172.28	.00		
2377	RIDLEY'S FAMILY MARKETS	04202020	RESORT TAX (DECEMBER 2019	04/20/2020	2,345.24	.00		
Total 2377:					16,648.59	.00		
<b>2520</b>								
2520	Staker Parson Companies	5201803	COMMERICAL ROAD BASE	04/16/2020	183.18	.00		
2520	Staker Parson Companies	5206499	MIDWAY SHOP	04/21/2020	314.48	.00		
Total 2520:					497.66	.00		
<b>2561</b>								
2561	CENTURYLINK -435-654-3924 45	04072020	435-654-3924 453B	04/07/2020	155.50	.00		
Total 2561:					155.50	.00		
<b>2614</b>								
2614	Executech Utah, Inc.	EXEC-80162	Monthly Maintenance Agreement	04/01/2020	1,430.00	.00		
Total 2614:					1,430.00	.00		
<b>2634</b>								
2634	Development Refund	04222020	Refund of Excess Out of Pocket	04/22/2020	500.00	.00		
2634	Development Refund	04222020-1	Refund of Excess Out of Pocket	04/22/2020	788.00	.00		
2634	Development Refund	04272020	Refund of Excess Out of Pocket	04/27/2020	1,456.75	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2634	Development Refund	04272020-1	Refund of Excess Out of Pocket	04/27/2020	1,456.75	.00		
Total 2634:					4,201.50	.00		
<b>2635</b>								
2635	LETS Corporation	INV-000632	Equipment and Licensing	04/01/2020	1,895.00	.00		
Total 2635:					1,895.00	.00		
<b>2636</b>								
2636	CenturyLink 435-654-4120	1489774958	435-654-4120 Phone Services	04/11/2020	794.51	.00		
Total 2636:					794.51	.00		
<b>2658</b>								
2658	SIGNARAMA	INV-6358	CITY OFFICE-RESTROOM AND	04/24/2020	95.58	.00		
Total 2658:					95.58	.00		
<b>2700</b>								
2700	Car Quest Auto Parts	15341-56113	OIL FILTERS	04/27/2020	37.68	.00		
Total 2700:					37.68	.00		
<b>2764</b>								
2764	POWER EQUIPMENT RENTAL	1-519195	Maintenance Kit	04/27/2020	20.98	.00		
Total 2764:					20.98	.00		
<b>2791</b>								
2791	PURCHASE POWER	04192020	equipment and services	04/19/2020	111.75	.00		
Total 2791:					111.75	.00		
<b>2808</b>								
2808	TODD JAMES KELLY	2	Janitorial Services-April 2020	04/27/2020	1,800.00	.00		
Total 2808:					1,800.00	.00		
<b>2809</b>								
2809	DEWY'S DUSTLESS HARDWOOD	8633	TOWNHALL FLOOR	04/21/2020	34,111.00	34,111.00	04/21/2020	
Total 2809:					34,111.00	34,111.00		
<b>2810</b>								
2810	RC Enterprise Paving & Construct	2937	Change Code per Mayor Johnson	03/31/2020	11,060.00-	11,060.00-	04/21/2020	
2810	RC Enterprise Paving & Construct	2937	Street Sweeping & Travel Time	03/31/2020	11,060.00	11,060.00	04/21/2020	
Total 2810:					.00	.00		
<b>2811</b>								
2811	NEI ELECTRIC POWER ENGINE	2004143	ENGINEERING SUPPORT FOR	04/24/2020	5,124.00	.00		
Total 2811:					5,124.00	.00		
Grand Totals:					104,806.64	35,104.69		

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

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City Recorder: \_\_\_\_\_

City Treasurer: \_\_\_\_\_

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Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

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Midway City Council  
5 May 2020  
Regular Meeting

Minutes of the  
7 April 2020  
Regular Meeting



# Memo

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**Date:** 30 April 2020  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 7 April 2020 City Council Regular Meeting

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



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

**Tuesday, 7 April 2020, 6:00 p.m.  
Electronic Meeting**

**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, 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; Pledge of Allegiance; Prayer and/or Inspirational Message**

Mayor Johnson called the meeting to order at 6:05 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

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

**2. Consent Calendar**

- a. Agenda for the 7 April 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 3 March 2020 City Council Work Meeting
- d. Minutes of the 3 March 2020 City Council Closed Meeting #1
- e. Minutes of the 3 March 2020 City Council Closed Meeting #2
- f. Minutes of the 3 March 2020 City Council Regular Meeting
- g. Minutes of the 17 March 2020 City Council Regular Meeting

**Note:** Copies of items 2a, 2b, 2c, 2f, and 2g are contained in the supplemental file.

**Motion:** Council Member Orme moved to accept and approve the consent calendar.

**Second:** Council Member Dougherty seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	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.

970 South Transmission Line / Bids

Clint Coleman asked the status of the transmission line and said the Council should stop fighting a battle that it could not win. Corbin Gordon responded that the City was waiting for information from Rocky Mountain Power and preparing for a hearing before the Utah Utility Facility Review Board. Mr. Gordon added that the main issue was the value of the easements for the line.

No further comments were offered.

**4. Department Reports**

Ice Rink / Clean-Up

Council Member Drury reported that the ice rink would be taken down when social distancing had ended.

Gardening Seminar

Council Member Drury reported that Ryan Davis would hold an online gardening seminar.

Off-Square Vendors / Committee

Council Member Drury reported that a committee had been formed to address off-square vendors during Swiss Days. He indicated that the committee had not met because of the pandemic and a lack of time.

HL&P / New Office Building

Mayor Johnson reported that Heber Light & Power Company (HL&P) was considering building a new office building.

#### HVRR / Repairs and Maintenance

Mayor Johnson reported that the Heber Valley Railroad (HVRR) was doing repair and maintenance work. She said that they needed rail.

#### HVSSD / Smell

Mayor Johnson reported that the smell from the Heber Valley Special Service District's (HVSSD) treatment plant was due to maintenance.

#### MSD / Items Flushed

Mayor Johnson reported that the Midway Sanitation District (MSD) was asking customers to be careful what they flushed into its system.

- 5. Trails Survey / Report** (Council Member Simonsen – Approximately 30 minutes) – Receive a report regarding a trails survey conducted by the Midway City Trails and Parks Advisory Committee.

Council Member Simonsen presented the trails survey, conducted by the Trails and Parks Advisory Committee, and reviewed the following items:

- Respondents
- Current condition of the trails
- Trails access
- How trails were used
- Desired uses for the trails
- How often they were used
- Hours of use
- Changes to encourage use
- Surface types
- Preferred surface based on cost
- Allocation of tax dollars
- Prioritizing trails
- General comments

- 6. 2020 Trails Project / Approve Contract** (City Engineer – Approximately 15 minutes) – Discuss and possibly approve a contract for the 2020 trails project.

Wes Johnson reviewed the project and bids received. He indicated that the low bidder was Wasatch Paving for \$307,662 which included installing a pressurized irrigation line.

**Motion:** Council Member Simonsen moved to approve the project and grant the contract to Wasatch Paving, which was the low bidder at \$307,662, with Midway City paying \$215,772 and the Midway Irrigation Company paying \$91,890. He authorized the Mayor to sign the documents.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**7. Meadow Springs Subdivision / Second Plat Map Amendment** (Summit Engineering – Approximately 15 minutes) – Discuss and possibly approve a second plat map amendment for the Meadow Springs Subdivision located at Diana Drive (680 North) Pine Canyon Road.  
**Public Hearing**

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

- Land use summary
- Location of the subdivision
- Reasons for the amendment
- Amended plat map
- Proposed plat map
- Proposed amendments
- Possible findings
- Proposed conditions
- Zoning

Mr. Henke also made the following comments:

- The boundaries for all lots would be adjusted.
- The density of the subdivision would not change.
- The parcel to the west could be subdivided but its density was limited by wetlands.
- The width of the private drive would be 70 feet. It would be combined with the parcel to the west.
- The drive would allow for at the most one additional lot. The drive would have to be upgraded to a public street and dedicated to the City.
- There were no concerns with utilities.
- The west parcel would increase in size and continue to be a lot of record.
- Quick claim deeds would be needed for the boundary between the subdivision and the west parcel.
- An easement would not be needed for the drive because it would be part of the west parcel.

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

**Public Hearing**

Mayor Johnson opened the hearing and asked if there were any comments from the public.

**Billie Rose**

Ms. Rose owned lot two in the subdivision and asked how its size would change. Mr. Henke responded that it would decrease but still meet the zoning requirements. Derrick Kohler, representing the applicant, responded that the size would change very little.

Mayor Johnson closed the hearing when no further public comment was offered.

**Motion:** Council Member Payne moved to approve the Midway Springs Subdivision, second plat map amendment, located at Diana Drive and Pine Canyon Road with the following findings and conditions:

- All four Midway Springs lots would continue to comply with the requirements of the R-1-15 zone.
- State law allowed the adjustment of a lot line regardless of whether the lots were in the same subdivision.
- State law required a land use authority to approve a lot line adjustment if the exchange would not result in a violation of any land use ordinance.
- State law stated a plat amendment might be considered by the land use authority at a public meeting.
- The areas vacated from the Midway Springs plat, from lots 2 & 3 and Diana Drive, would be joined to parcel OMI-213-0-027-034 and recorded as such at the time the Midway Springs plat amendment was recorded to avoid creating any parcels that were nonconforming to the R-1-15 zone.
- The acreage of lot two would basically remain the same.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

- 8. Ordinance 2020-03 / Outside Dining and Parking** (City Planner – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2020-03 amending Section 16.13.39(A)(11) (Off-Street Parking and Loading) of the Midway City Municipal Code regarding outside dining and parking. The Midway City Planning Commission recommended no change to the current code.

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

- Proposed changes
- Proposed code

Mr. Henke also made the following comments:

- One parking space for 200 sq. ft. was a compromise from the previous meeting.
- ADA parking was not required on-site, but an ADA accessible route was needed from the parking to the restaurant.
- The City Council had discretion when determining the proximity of parking.
- A business license could be revoked if the designated off-site parking was no longer available.

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

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

- Outside dining should be defined as permanent, seasonal or for more than two weeks.
- Needed to know what impact the compromise of 200 sq. ft. would have on restaurants.
- Any of the parking for outdoor seating could be off site.
- A specific standard should be established for the proximity of parking.
- The Council should have flexibility with the proximity of parking.
- The regulations should not be too complex.
- Fees needed to be established for City owned off-site parking.
- The parking requirement for both indoor and outdoor seating should be one parking stall per 200 sq. ft.
- 250 sq. ft. incentivizes outside dining and reduced its burden.

**Motion:** Council Member Simonsen moved to approve Ordinance 2020-03 making changes to the parking code with the following findings and conditions:

- Increasing parking for outside dining at restaurants and cafes might help alleviate potential parking problems for future restaurants and cafes.
- Midway desired to encourage business, a walkable Main Street and outside dining.
- Outside dining was considered permanent if it was continually used for at least two weeks.

**Second:** Council Member Dougherty seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**9. Ordinance 2020-05 / Accessory Structures in Commercial Zones** (City Planner – Approximately 45 minutes) – Discuss and possibly adopt Ordinance 2020-05 amending Section 16.5 (Commercial C-2 and C-3 Zones) of the Midway City Municipal Code regarding accessory structures in the commercial zones. Recommended for approval by the Midway City Planning Commission. **Public Hearing**

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

- Commercial and residential structures
- History of the R-1-7 zoning in the commercial zones
- Commercial zone setbacks
- Planning Commission recommendation
- Examples

Mr. Henke also made the following comments:

- The ordinance would allow residents in the commercial zones to add garages, sheds, etc. to their lots.
- It required structures to be compatible with existing structures on site. This was subjective.
- Commercial buildings went through a different process including architectural guidelines and the Vision Architecture Committee.
- The setbacks between two lots, that both had commercial structures, were zero. This was allowed because commercial structures had engineering reviews.

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

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

- Commercial and residential setbacks in the commercial zones should be the same. The current setbacks were unfair.
- Residential property owners might not have the resources for an engineering review.
- Midway's downtown was eclectic and should have structures with different setbacks.
- The City should not be arbitrary.
- A structure like a garage should not be allowed ten feet from Main Street.
- A commercial structure stayed commercial or became mixed-use.
- The historical and quaint feel of the downtown area should be preserved.

- Visioning would be done for Main Street.

**Public Hearing**

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

**Motion:** Council Member Simonsen moved to approve Ordinance 2020-05 regarding accessory structures in the commercial zones in order to establish more clear guidelines and allow residential use of accessory structures in the commercial zones as outlined by staff, accept the recommendation of the Planning Commission and with the following findings:

- Adding residential accessory structures as a permitted use would allow property owners to better use and enjoy their property.
- Adding commercial accessory structures would make it clear that they were allowed and what the requirements were for these structures.
- Requiring a 15’ greater setback for residential accessory structures than the dwelling would help maintain the visual appeal of the streets in the commercial zones.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**10. Ordinance 2020-10 / Terms of Office** (City Attorney – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2020-10 amending Title 2 of the Midway City Municipal Code regarding the terms of office for appointed officials.

Mayor Johnson reviewed the need for consistent terms of office. Corbin Gordon indicated that all terms would be for four years and begin and end in January of the year. Council Member Dougherty indicated that some other committees needed to be added. Council Member Simonsen also indicated that the Community Development and Renewal Agency should not be included.

**Motion:** Council Member Simonsen moved to table Ordinance 2020-10, regarding terms of office, until the next council meeting in order to add committees, remove any mention of the CDRA and make the items consistent.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None



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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**11. Ordinance 2020-07 / Amend Planning Commission Bylaws** (City Attorney – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2020-07 amending the by-laws for the Midway City Planning Commission.

Corbin Gordon reviewed the proposed ordinance.

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

- A quorum would be five members or four members and the chair of the Planning Commission.
- The recusal provision eliminated a member's right to petition their government and should be removed.
- Members were in a quasi-judicial position and needed to avoid bias and be neutral.
- Members should be able to petition their government but should not use their position inappropriately.
- The Planning Commission was just an advisory body unlike the City Council.
- Members should not advocate before the City Council.
- A member could recuse themselves from an issue and then advocate for or against that issue.
- Members needed to be trained on the subject.
- How many votes were needed to approve a motion?

**Motion:** Council Member Simonsen moved to approve Ordinance 2020-07 with the following changes:

- Four members and the chair constituted a quorum.
- Motions did not have to be repeated by the chair.
- The section regarding recusal was removed and not approved that night.

**Discussion:** Council Member Dougherty said that referencing the chair in the quorum requirement was confusing. He recommended saying that five members constituted a quorum. Council Member Payne noted that one of the five might need to be appointed as a temporary chair. He asked how that would affect a vote because the chair voted only to make or break a tie. It was questioned why the chair should be able to cause a tie.

**Second:** The motion died for lack of a second.

**Motion:** Council Member Simonsen moved to approve Ordinance 2020-07 with the following changes:

- Article 8 Section 1 should state that four voting members constituted a quorum.
- Article 9 Section 5 was accepted as proposed.
- Section 7 regarding recusal would not be added to the end of Article 12.

**Second:** Council Member Dougherty seconded the motion.

**Discussion:** Council Member Payne asked if one of the four members, if acting as a temporary chair, would be able to vote. Michael Henke responded that the chair could vote on any point and three members would be needed for a motion to pass.

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**12. Whitaker Farm Subdivision / Road Widths** (City Engineer – Approximately 45 minutes) – Discuss and possibly approve narrowing the width of the roads in the Whitaker Farm Subdivision located at 455 North River Road.

Wes Johnson made the following comments:

- The City standard for road width was 30 feet of asphalt.
- The width of asphalt had been reduced in Watts Remund Farms to increase the distance between the garages and the sidewalks. This prevented vehicles from blocking the sidewalks and increased safety. The difference in the road construction cost was paid to the City.
- Drivers reduced their speed as a road narrowed.
- Would the Council approve narrowing the asphalt width in Whitaker Farm? The cost savings would be given to the City and used for area improvements such as trails.
- The developer for Whitaker Farm agreed to the request.
- The width could be 25 feet with an additional two feet of ribbon curb on each side.
- Two vehicles could pass each other with a vehicle parked on one side of the road. Only one car could go buy if vehicles were parked on both sides of the road.
- The lots in the project had a lot of frontage which usually reduced on-street parking.
- There would be grass and a swale next to the curb.

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

- The standard road widths should be reconsidered in a separate discussion.
- Would the width of the south stub road also be reduced? The road would not be a thoroughfare.
- The amount of asphalt would be reduced by 20% if the asphalt width was reduced from 30 to 25 feet. This would reduce maintenance costs and promote a rural feel.

**Motion:** Council Member Payne moved to reduce the road width as proposed from the standard 30 feet to 25 feet of asphalt per the conditions summarized by the City Engineer with the cost

savings paid to the City.

**Discussion:** Dan Luster, Whitaker Farm developer, said the reduction would be a better aesthetic with increased green space and lower traffic speed. He asked that the cost savings be used for the reconstruction of River Road.

**Second:** Council Member Simonsen seconded the motion.

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**13. Parking Agreement / 70 East Main Street** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve an agreement to use property at 70 East Main Street for public parking.

Mayor Johnson indicated that the Council needed to decide on the agreement. Wes Johnson made the following comments:

- UDOT wanted to check with its traffic engineer regarding the entrances. Anticipated a response that week.
- The lot would have approximately 20 parking stalls.
- Construction of the lot had been awarded with one of the water projects with the cost at \$18,844.40.

Corbin Gordon indicated that the property owners would not agree to a first right of refusal.

**Motion:** Council Member Dougherty moved to authorize the Mayor to sign the agreement as presented, for the property at 70 East Main Street, with the effective date being 31 December 2019.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Mayor Johnson indicated that the contractor could begin work on the lot. Corbin Gordon also indicated that the property taxes needed to be paid as part of the agreement. Wes Johnson added

that he would contact the owners and let them know the City would proceed.

**14. Reimbursement for Damage / 1206 North Cottage Way** (City Attorney – Approximately 10 minutes) – Discuss and possibly approve an agreement to reimburse the property owners for damage at a home at 1206 North Cottage Way.

Corbin Gordon responded that he tried to contact the homeowners but had not gotten a response. Mayor Johnson asked Mr. Gordon to send a certified letter to them.

**15. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation**

**Motion:** Council Member Orme moved to go into a closed meeting to discuss pending or reasonably imminent litigation.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**Note:** Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

**Motion:** Council Member Dougherty moved to go out of the closed meeting.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**16. Adjournment**

**Motion:** Council Member Dougherty moved to adjourn the meeting. Council Member Payne

seconded the motion. The motion passed unanimously.

The meeting was adjourned at 11:12 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

DRAFT

Midway City Council  
5 May 2020  
Regular Meeting

Minutes of the  
8 April 2020  
Meeting



# Memo

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**Date:** 30 April 2020  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 8 April 2020 City Council Meeting

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

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

**Wednesday, 8 April 2020, 5:00 p.m.  
Electronic Meeting**

**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, 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**

Mayor Johnson called the meeting to order at 5:11 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

Shane Owens, Public Works Assistant Crew Chief  
Nancy Simons, Accounting  
Brad Wilson, Recorder/Financial Officer

**Others Present:**

None

**Staff Present:**

Wes Johnson, Engineer

**2. FY 2021 Budget**

Shane Owens presented expenditure requests for various departments. Mayor Johnson reviewed expenditure requests for her and the City Council. The following items were also discussed:

- Vehicle replacement program
- A CDRA project area for the land being annexed in the Wasatch Mountain State Park
- A trail along north Center Street
- Solar panels at the Town Square and on the Community Center
- A new network server
- Securing the culinary water system
- The SCADA system providing a tamper notice
- Ice rink preventative maintenance

**3. Adjournment**



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

The meeting was adjourned at 8:43 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

DRAFT

Midway City Council  
5 May 2020  
Regular Meeting

Minutes of the  
14 April 2020  
Meeting



# Memo

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**Date:** 15 April 2020  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 14 April 2020 City Council Meeting

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

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

**Tuesday, 14 April 2020, 6:00 p.m.  
Electronic Meeting**

**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, 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**

Mayor Johnson called the meeting to order at 6:12 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:**

Nancy Simons, Accounting  
Brad Wilson, Recorder/Financial Officer

**Others Present:**

**None**

**2. FY 2021 Beginning Budget / Discussion** – Discuss the beginning budget for FY 2021.

The City Council and staff reviewed and discussed the various funds in the budget. They discussed the following items in detail:

- Creating a summary of the entire budget.
- The budget would be reviewed in detail in November. Adjustments could be made at that time based on the state of the pandemic.
- The 10-year plan for roads and water should be updated and provided to the Council before the next budget meeting.
- Multi-year plans should also be prepared for parks, cemetery, etc.
- Maintenance schedules should also be prepared.
- Reserves should be used to balance the CIP Fund and the Water Fund.
- Hiring freeze.
- The Public Works Department might not have enough time to do all the budgeted projects. Some of the projects could be done by contractors.
- Insurance for litigation costs.
- There should be a separate expenditure line item for litigation costs.
- Almost all of Becky Woods wages and benefits should be in contract services.

- The ratio of employees to vehicles needed to be determined.
- The inflation rate for new vehicles was 1.67%.
- The amounts for flag maintenance and mowing should be separate.
- There should be a reserve account for future parking projects.
- Trails maintenance.
- Rolling jack.
- Each expenditure line item could include a column for available reserves.
- The next budget meeting would be held on 21 April 2020 at 5:00 p.m. before the Council's regular meeting.

### 3. Adjournment

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

The meeting was adjourned at 8:08 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

Midway City Council  
5 May 2020  
Regular Meeting

Minutes of the  
21 April 2020  
Meeting



# Memo

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**Date:** 30 April 2020  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 21 April 2020 City Council Meeting

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

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

**Tuesday, 21 April 2020, 5:00 p.m.  
Electronic Meeting**

**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, 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**

Mayor Johnson called the meeting to order at 5:04 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:**

Michael Henke, Planning Director  
Brad Wilson, Recorder/Financial Officer

**2. FY 2021 Beginning Budget / Discussion** – Discuss the beginning budget for FY 2021.

The Council and meeting attendees reviewed changes to the budget since the last meeting.

It was decided that an “other” category be added to the expenditures by category portion of the summary.

Council Member Dougherty reported that he and the City’s human resources manager met with the Utah Local Government’s Trust regarding coverage for litigation costs.

Council Member Drury reviewed a vehicle replacement program based on data from the Public Works Department. He explained that the amount set aside each year could be reduced and the required vehicles still purchased. The Council felt that the Public Works Department currently had enough vehicles even with the planned two additional employees. The Council decided to lower the annual amount set aside by the Department to \$90,000.

Another budget meeting would be held on June 2 at 4:00 p.m.

**3. Adjournment**



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

The meeting was adjourned at 5:57 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

DRAFT

Midway City Council  
5 May 2020  
Regular Meeting

Minutes of the  
21 April 2020  
Regular Meeting



# Memo

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**Date:** 30 April 2020  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder/Financial Officer  
**RE:** Minutes of the 21 April 2020 City Council Regular Meeting

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

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

**Tuesday, 21 April 2020, 6:00 p.m.  
Electronic Meeting**

**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, 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; Pledge of Allegiance; Prayer and/or Inspirational Message**

Mayor Johnson called the meeting to order at 6:05 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 (Began  
Participating at 8:14 p.m.)  
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.

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

**2. Consent Calendar**

- a. Agenda for the 21 April 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 17 March 2020 City Council Closed Meeting
- d. Minutes of the 31 March City Council Meeting
- e. Minutes of the 1 April 2020 City Council Meeting
- f. Minutes of the 1 April 2020 City Council Closed Meeting

**Note:** Copies of items 2a, 2b, 2d, and 2e are contained in the supplemental file.

**Motion:** Council Member Orme moved to approve the consent calendar.

**Second:** Council Member Dougherty seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	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.

#### Accessory Dwelling Units (ADUs)

Leslie Miller submitted the following statement:

“An issue at large has received inadequate consideration and will be affected by the proposed code amendment 2020-12. The public policy issue I am referring to is the topic of Accessory Dwellings in Midway (ADU).

Some of the recent mischaracterizations of ADU’s reveal a misunderstanding of the potential benefits they may present. They include, but are not limited to Midway’s economic diversity, social inclusivity and affordable housing options.

There are many elements to understanding how to regulate, manage, incentivize and/or accommodate accessory dwellings in a community.

Until there can be and (should be) a comprehensive conversation with the public about ADUs, then proposed code modifications are premature. The potential related uses for accessory dwellings will be impacted by the proposed Accessory Dwelling code revisions.

I suggest that the City Council deny or continue discussion on the code changes as proposed in order to further educate council members, staff and Midway residents about the social value and economic benefits of accessory dwelling uses in Midway.”

Katie Noble submitted the following statement:

“With respect to ADU’s I support a narrow zone change allowing them in the area abutting the present duplex zones. This should be a trial zone change. ADU’s should only be allowed in this limited area if there are significant fines for violations (nightly rental, noise, trash, parking) and a tax that supports hiring an employee who can enforce. Or expand duties of an existing employee. If the initial zone is successful then I recommend expanding it outward.

ADU's are great when they work well but we need the capacity for enforcement. Additionally, Midway needs a comprehensive affordable housing plan before making any decisions on ADU's. We need to know how ADU's fit into that plan. It shouldn't be an ad hoc approach and it certainly shouldn't be a blanket zone change for the entire City until it's tested and proved successful.

Sorry, additionally the Landlord on ADU's should pay a tax that offsets any impact on schools, road maintenance, etc. by the additional residents. This ADU definition issue clearly needs more time and study.

This issue is not an emergency and could have long lasting permanent consequences. Why does it have to be decided tonight?"

No further comments were offered.

#### **4. Department Reports**

##### Community Center / Multi-Purpose Room Floor

Council Member Orme reported that the wood floor in the multi-purpose room in the Community Center had been refinished.

##### Town Hall / Main Room Floor

Council Member Orme reported that finishing the wood floor in the main room in the Town Hall would be completed that day.

##### Businesses / Assistance

Council Member Orme reported that ideas were being sought to assist businesses during the pandemic.

##### Streets / Sweeping / Hwy 113 / River Road

Council Member Simonsen reported on the sweeping of streets and road work on Highway 113 and River Road.

##### Trails / Report / Dutch Fields/River Road Trail

Council Member Simonsen reported on the trails and specifically the specifications and agreement for the reconstruction of the Dutch Fields/River Road trail.

##### Water System / Covid-19

Council Member Dougherty reported that chlorine killed any Covid-19 virus in the City's culinary

water system.

### Midway Business Alliance / Meeting

Council Member Dougherty reported that an electronic meeting of the Midway Business Alliance would be held that week.

### Proposed Code Text Amendments

Michael Henke gave a presentation on recent and potential amendments to the Municipal Code. Council Member Dougherty asked that ADUs be added to the list. He was reticent about amendments to address every issue and suggested a balanced approach. Council Member Drury indicated that staff limitations should not hinder essential functions such as code text amendments.

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

- 5. Ordinance 2020-11 / Food Truck Amendments** (City Planner – Approximately 20 minutes)  
– Discuss and possibly adopt Ordinance 2020-11 amending Section 7.05.050 (Periodic Sale of prepared Food by Mobile Vendors) of the Midway City Municipal Code.

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

- Current code
- Proposed code
- Conditions
- Possible findings

Mr. Henke also made the following comments:

- It had been requested that food trucks be allowed on public property. The Municipal Code was not clear on this issue.
- The proposal would not allow food trucks in the street right-of-way.
- Currently food trucks were only allowed at businesses in the commercial zones.
- The Wasatch County Health Department required that a food truck be at a location where a restroom was available.
- The proposal required an entire park, or one of the buildings on the Town Square, be rented to have food trucks because they were usually associated with events. Food could be sold to anyone not just attendees at the event.
- Food trucks were allowed if they were catering a private event on private property.
- The food truck operators had to pay sales tax to the governments where they were operating at any given time.

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

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

- Food trucks could be allowed in the right-of-way on the side of a street if the serving area faced away from the road.
- UDOT did not allow food trucks on its roads such as Main Street and Center Street.
- Food trucks were parked on Heber's Main Street which was a UDOT road.
- The current code was in part a result of push back from local restaurants.
- A public hearing should be held on the issue.
- The proposal was flexible, could help someone start in the restaurant business and should not have a lot of restrictions.
- The entire code regarding food trucks should be reviewed.
- The City should reach out to local business owners regarding the proposal.

**Motion:** Council Member Dougherty moved to continue consideration of the proposal.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

- 6. Ordinance 2020-04 / One-Family Dwellings** (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2020-04 amending Title 16 of the Midway City Municipal Code regarding the definition of one-family dwellings.

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

- Overview
- Examples
- Impacts of one-family dwellings turned into duplexes
- Definition
- Option 1 – Eliminating second kitchens
- Option 2 – Definition with additional language
- Possible findings

Mr. Henke also made the following comments:

- The issue was separate from ADUs.
- One-family dwellings needed to be defined in the Municipal Code.
- Homeowners were pushing the limits on one-family dwellings.



- Option 2 was recommended by the Planning Commission. It would require an affidavit stating that the area with the second kitchen would not be rented.
- Option 1 was easier to enforce but did not offer the flexibility of Option 2.
- The proposal prohibited boarding houses.

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

Council Member Dougherty disclosed that he had a living space in the barn next to his house. He said it was approved but had never been rented.

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

- Under the proposal two kitchens would be allowed if there was a wall between them.
- Two kitchens did not necessarily cause all the negative impacts indicated.
- Duplexes were only allowed in certain zones. How could the City enforce this limitation without a definition of what was not a duplex?
- Portions of houses in Midway were being rented and not used for a grandmother, etc. This should not be allowed and was difficult to enforce.
- Would not being able to rent an area with a second kitchen solve the problem?
- Renting any part of a single-family home, even if it did not have a kitchen, was a problem.
- Owners had property rights. Potential buyers had bought in other cities because of Midway's current restrictions.
- The proposal only defined a one-family dwelling it did not address what was or was not allowed. What was allowed was a discussion for another meeting.
- The State Code did not favor the City if its municipal code language was not clear.
- The proposal clarified the Municipal Code.

**Motion:** Council Member Dougherty moved to define single-family dwellings as a dwelling that could not be occupied for compensation.

**Discussion:** Mayor Johnson stated that the motion was a different definition from what was being proposed. She recommended denying the proposal before considering the motion.

Council Member Simonsen asked if the motion would be easy to administer? Mr. Henke responded that it would be difficult to administer because the City would not know of any money transactions. Council Member Simonsen asked if the City could demand proof of such a transaction. Council Member Dougherty responded that each homeowner would have to sign an affidavit.

**Second:** The motion died for lack of a second.

**Motion:** Council Member Dougherty moved to define a single-family dwelling as one in which, if there were two kitchens, there was also an affidavit stating that no space would be rented.

**Second:** Council Member Orme seconded the motion.

**Discussion:** Council Member Simonsen questions if the motion was much different from the proposed ordinance.

Council Member Payne asked if a fourplex could be built in a single-family zone if the owner state it would not be rented. Council Member Dougherty responded that situation would not happen because it was not practical.

Council Member Dougherty indicated that his house would be considered a duplex under the proposed definition. He added that he was trying to meet a need in the City.

Mr. Henke indicated that the Municipal Code did not currently require an affidavit for a second kitchen.

Council Member Orme said that a second kitchen should not be the driver for a definition.

Mr. Henke again indicated that it would be difficult to enforce a prohibition against renting because the City would not know about the exchange of money.

Council Member Payne worried that a lot of things would be missed with last minute alternative language. He said that the language in the proposed ordinance was well thought out.

**Vote:** The motion was denied with the Council voting as follows:

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

**Motion:** Council Member Payne moved to adopt Ordinance 2020-04 regarding one-family dwellings with Option 2 as proposed by staff and with the following conditions and findings:

- Direct access between two kitchens would not be impeded by a door or wall.
- The proposed amendment would define one-family and single-family dwellings.
- The proposed code would define if, and under what circumstances, second kitchens were allowed.
- The proposed amendment would help staff to better administer the City's code.
- The proposed amendment would help the public to understand the options available when building in Midway.

**Second:** Council Member Simonsen seconded the motion.

**Discussion:** Council Member Drury said that the item should be continued.

**Vote:** The motion was denied with the Council voting as follows:

Council Member Dougherty	Nay
Council Member Drury	Nay
Council Member Orme	Nay

Council Member Payne	Aye
Council Member Simonsen	Aye

**Motion:** Council Member Orme moved to table the item so that it could be discussed further.

**Second:** Council Member Dougherty seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**Note:** Corbin Gordon began participating at 8:14 p.m.

**7. Ordinance 2020-12 / Living Quarters and Accessory Structures** (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2020-12 amending Title 16 of the Midway City Municipal Code regarding the definitions of living quarters and accessory structures.

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

- Current code language
- Breezeways
- Proposed code
- Possible findings

Mr. Henke also made the following comments:

- The proposal was necessary to determine what was allowed in accessory structures.
- It would not allow living space in such structures.
- It prohibited such structures without a main building except barns.
- Breezeways did not have walls.
- Neighbors would complain if a garage was allowed without a main building.
- It allowed for bunk type buildings that did not have a kitchen, bathroom, etc.
- Had to rely on the label on the plans to determine if a room was an office or a bedroom.
- Bathrooms and kitchens were the most significant issues.
- Two buildings were considered one structure if they were connected by a breezeway.
- Living quarters was defined in Sections 16.13.6(F) and 16.13.6(E).

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

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

- Someone could list a room as an office but then rent it out as a bedroom.
- Sections 16.13.6(A) and 16.13.6(B) were redundant.

**Motion:** Council Member Dougherty moved to continue consideration of the item for a short period of time so that he could work with the City Planner to refine it.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

- 8. Ordinance 2020-07 / Amend Planning Commission Bylaws** (City Attorney – Approximately 10 minutes) – Discuss and possibly revise the adoption of Ordinance 2020-07 amending the by-laws for the Midway City Planning Commission.

The revision was not provided to the Council.

**Motion:** Council Member Payne moved to continue the item.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

- 9. Ordinance 2020-10 / Terms of Office** (City Attorney – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2020-10 amending Title 2 of the Midway City Municipal Code regarding the terms of office for appointed officials.

Corbin Gordon explained that the ordinance had been updated and the issues raised by the Council had been resolved.

Council Member Payne noted that the Municipal Building Authority (MBA) had been incorrectly included. Council Member Dougherty asked if the whole section on the MBA needed to be struck. Council Member Payne responded that only the sentence limiting members to two terms needed to be struck.

**Motion:** Council Member Dougherty moved to adopt Ordinance 2020-10, regarding the terms of office for appointed officials, as proposed except for striking the proposed additional sentence to the section regarding the MBA.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

#### **10. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation**

**Motion:** Council Member Dougherty moved to go into a closed meeting to discuss pending or reasonably imminent litigation.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**Note:** Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

**Motion:** Council Member Drury moved to go out of the closed meeting.

**Second:** Council Member Dougherty seconded the motion.

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

### 11. Adjournment

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

The meeting was adjourned at 9:17 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder