

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

**Tuesday, 21 June 2022, 5:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, Ridley's Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order

Mayor Johnson called the meeting to order at 5:02 p.m. She excused Council Member Drury and indicated that Council Member Payne would participate electronically using Zoom.

Members Present:

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

Staff Present:

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

Members Excused:

Jeff Drury, Council Member

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

2. Open and Public Meetings Training (City Recorder – Approximately 20 minutes) – Receive training on the Utah Open and Public Meetings Act.

The Council, staff, and meeting attendees watch training, prepared by the Office of the Utah State Auditor, regarding the Open and Public Meetings Act.

3. Development Bonds / Releases (City Attorney – Approximately 40 minutes) – Discuss development bonds and how they are released.

Corbin Gordon gave a presentation regarding bonding for landscaping and covered the

following items:

- Landscaping requirements
- Design standards
- Installation
- System design and installation
- Construction and compliance
- Bonding
- Release of bond
- Certificate of landscaping completion
- Warranty period

He also made the following comments:

- Wanted to improve the bond process for development landscaping.
- Reviewed landscaping requirements from other cities.
- Recommended that a landscaping plan be required for projects that were one acre or larger, had open space or common area, or as required by Title 16 of the Municipal Code. The plan would cover landscaping and irrigation systems.
- There should be requirements for landscaping.
- A process would be established for when a landscaping bond could be released.
- A licensed landscape architect would prepare the plan and oversee installation.
- The City had a low standard for landscaping.
- Having a landscape architect responsible for the landscaping would relieve the City of that responsibility.
- Should the landscape architect, who designed the landscaping, also inspect the installation? They may be loyal to or dislike the developer which could affect the inspection.
- Someone would do a better job if their license was in jeopardy.
- The bond amount would be tied to the amount of the bid.
- The landscaping bond would be separate from the infrastructure bond.
- Was it fair to hold a bond for five years because not all the units had been built?
- The regulations would be implemented through the development agreement.

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


- A landscaping plan or bond would not be required for single family lots.
- Any requirements should be helpful to citizens but not burdensome for staff.
- The bond should be consistent with the current landscaping regulations.
- The new requirements should be tied to the size of the open space or common area and not the overall size of the project.
- Should the Visual Architecture Committee (VAC) review the landscaping instead of a landscape architect?
- The landscaping should not be installed and then damaged by construction.
- Open space, that was not included in a lot, would fall under the new regulations.
- The regulations should be tied to the existing design standards in the Municipal Code.
- The City could hire a separate landscape architect to inspect during installation.
- Some inspections would need to be done before the sod was laid.
- Requiring a license would eliminate some experienced landscapers and irrigation system designers. Many irrigation system suppliers were not licensed in landscaping.

- The Central Utah Water Conservancy District maintained a list of contractors that did drought tolerant landscaping.
- Irrigation systems were difficult to inspect because they were backfilled as they were constructed.
- Soil, coverage, and filters were all important items.
- Would a general contractor have to get a landscaping license?
- The regulations should be focused on standards and not licensing.
- Any regulations needed to be strong enough that they were enforceable.
- Someone could inspect the landscaping like a building inspector inspected structures.
- How did other cities enforce their development landscaping requirements?
- Landscaping might only need to be inspected one time every three weeks.
- The conditions to release the bond should not be open for interpretation. It could be released in increments as the construction progressed or not released until all the construction was completed.
- Council Member Drury did not want the landscaping bond released until all construction was completed.
- Regulations should protect existing landscaping.
- The City Engineer not the Building Department should be involved in the landscaping process.
- The regulations should not keep a developer from doing better landscaping than what was required.
- Any documents should note that other requirements in the Code could apply.
- PUDs and resorts needed to be referenced in the regulations.

4. Adjournment

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

The meeting was adjourned at 6:00 p.m.


 Celeste Johnson, Mayor


 Brad Wilson, Recorder