

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

**Tuesday, 6 October 2020, 6:00 p.m.
Midway Community Center, City 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, 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

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 6 October 2020 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 1 September 2020 City Council Regular Meeting
- d. Minutes of the 15 September 2020 City Council Regular Meeting
- e. Minutes of the 15 September 2020 City Council Closed Meeting

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

Brad Wilson indicated that Wes Johnson was also at the closed meeting and asked that the

minutes be approved with that addition.

Motion: Council Member Orme moved to approve the consent calendar with the correction to the closed meeting minutes.

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: Council Member Payne abstained from approval of the 1 September 2020 minutes because he was excused from the meeting.

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.

Swiss Paradise Lot / Water Stopped Flowing

Cole Preece indicated that the water on his lot, in the Swiss Paradise Subdivision, had stopped flowing. He asked who stopped the water. Wes Johnson responded that the level of the ground water was lower and there was no longer water in the ditch on the southeast side of Remund Farms.

Athina Koumarela / Candidate for School Board

Ms. Koumarela introduced herself and indicated that she was a candidate for the Wasatch County School Board. She gave her qualifications and platform.

No further comments were offered.

4. Department Reports

Housing Authority Board / Staff

Council Member Payne reported that the Wasatch County Housing Authority Board needed experienced staff to relieve some of the burden on its members.

Coordination Between Area Governments

Council Member Dougherty reported that area governments proposed better coordination on issues.

Ice Rink / Repairs

Council Member Drury reported on repairs to the ice rink. He wanted the rink to be operating for the tree lighting event.

Tree Lighting / Town Christmas Party

Mayor Johnson reported that the tree lighting event and the town Christmas party would be combined that year. She added that Santa Clause would not be there because of the pandemic but there would be an additional hayride.

HVRR / Trail

Mayor Johnson reported on the trail from Vivian Park next to the Heber Valley Railroad tracks. She said that the Railroad would offer a train/bike package.

HVSSD / MSD / Budgets

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) and the Midway Sanitation District (MSD) were preparing their budgets for the upcoming year.

Pandemic / Update

Mayor Johnson gave a report on the pandemic. She indicated that some counties would return to the orange danger level. She also indicated that Wasatch High School would have a longer fall break to reduce the spread of the virus.

Emergency Services/ Everbridge

Council Member Dougherty reported that residents could now use the Everbridge app to receive information from area emergency services.

- 5. Hidden Creek Bed and Breakfast / Conditional Use Permit** (Meghan and Conner Clark – Approximately 10 minutes) – Discuss and possibly grant a conditional use permit for the Hidden Creek Bed and Breakfast proposed for 535 West Cari Lane (Zoning is R-1-15).

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

- Land use summary
- Location of the proposed bed and breakfast
- Site plan
- Pictures of the property
- Discussion items
- Possible findings

Mr. Henke also made the following comments:

- A public hearing was held at the last council meeting.
- Additional public comment had been received by email.
- The driveway was paved that day.
- Recommended against parking on Cari Lane because there was no shoulder.
- Some of the proposed parking was on the property to the east. This was allowed if approved by the Council.
- Occupants were limit to two per bedroom.
- The occupants were limited to 18 during events because of the size of the house.
- Alcohol was only being requested for special events.
- During a recent event, the noise level was tested at the property line with a decibel meter. The levels did not exceed the allowed limits. A neighbor did call the Sheriff's Department and complained about the noise. The responding deputy determined there was not a noise violation.
- Any sign for the business had to be on the property an out of the line of sight for the entrance. No backlit signs were allowed.
- No additional lighting was planned.
- The Municipal Code already regulated lighting.
- The property had RV hookups. The zone did not allow renting spaces for RVs.

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

Motion: Council Member Orme moved to approve the conditional use permit for the Hidden Creek Bed and Breakfast subject to no parking on Cari Lane.

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

6. Hidden Creek Bed and Breakfast / Additional Use (Meghan and Conner Clark – Approximately 30 minutes) – Discuss and possibly grant an additional use for receptions,

banquets, and catering for the Hidden Creek Bed and Breakfast proposed for 535 West Cari Lane (Zoning is R-1-15).

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

- Municipal Code, Section 16.13.35(H)
- Site plan for the Bed and Breakfast (B&B)
- Discussion items
- Possible findings
- Possible conditions

Mr. Henke also made the following comments:

- Additional uses could be requested with a B&B.
- The request was discretionary on the part of the Council.
- The Council needed to decide what would be acceptable if additional uses were allowed.
- The property had a large flat area that could be used for parking.
- 77 parking stalls were shown on the site plan.
- The request met all requirements.
- Would the uses have too much impact for a residential zone?
- Recommended limiting the stalls to 20 and the guests to 40 to balance the impact.
- The Building Code allowed 18 guests in the house.
- Would the Council allow the applicant to apply for a special alcohol permit if special events were allowed?
- The Municipal Code regulated noise.
- No other B&Bs in residential zones had requested to have events.

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

Jeremy Clark, applicant, made the following comments:

- The most recent event at the property had 100 to 150 guests.
- All noise had to be under the allowed limit.
- Wanted to be able to park at least 50 vehicles.
- There were trees and sound barriers that would limit the noise.
- Would like to have ten events between April and October.
- High Valley Arts had events in a residential zone.
- The resorts were part of the charm of Midway.
- Concerns with the request were more fear than reality.
- Vehicles on Cari Lane would make more noise than the events.
- Some neighbors did not hear any noise from the most recent event.
- High Valley Arts had not been limited on its parking at events.
- Events added vibrancy to the City.
- Events brought out of town and out of state visitors to the area hotels.
- The City should be business friendly.
- Would follow all regulations.
- The number of events could be reassessed in a year and adjusted if there was a problem.

- Had a legal opinion that the Building Code could not limit the number of guests in the house.
- Portable restrooms could be used.

Council Member Dougherty made the following comments:

- The Municipal Code anticipated B&Bs and events in the zone.
- The kids and ATVs in the area were noisier than the events.
- A decision should be based on experience.
- The applicant should be given the chance to prove the events would not be a problem.
- Events could be allowed on a year to year basis.
- Limiting guest to 40 would be difficult.
- 80 vehicles going in and out at the same time on Cari Lane could be a problem.
- Could shuttles be used?

Council Member Payne made the following comments:

- There were competing rights with no ideal solution.
- The CUP had to be approved with reasonable conditions.
- The decision was discretionary.
- The neighbors did not move into the neighborhood to live next to a commercial or high intensity use.
- The request could not be compared to the Homestead or Zermatt resorts.
- The applicant had good intentions.
- Applications were tied to the property because the property could be sold.
- The Council should consider amending the Municipal Code to eliminate the possibility for additional uses.
- Weighed in on the side of the people negatively impacted.

Council Member Simonsen made the following comments:

- Had been in a situation where his neighbors were not what he was expecting.
- The request needed to be consistent with residential uses.
- Would not expect ten to 80 vehicles in the zone.
- The number of vehicles should be limited to fewer than ten.

Council Member Orme made the following comments:

- Who would police the events?
- The neighbors would be forced to be the police.
- It would be difficult to limit the noise if there would be a band.
- Residents thought that residential zones were residential.
- You could not significantly limit the number of people and vehicles and have a successful event.

Council Member Drury made the following comments:

- Zones were established to prevent conflicts.
- The consistency of zones should be maintained.
- Allowing additional uses would set precedence.

Motion: Council Member Payne moved to deny the request for an additional use for receptions, banquets, and catering for the Hidden Creek Bed and Breakfast proposed for 535 West Cari Lane.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Simonsen stated that the applicant was not a bad person, but the request was not a good fit for the neighborhood.

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

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

7. Kinsey Property / Culinary Water Will Serve Letter (Nick Patterson – Approximately 20 minutes) – Discuss and possibly approve a will serve letter to provide culinary water to the Kinsey property located at 15 East 850 South, which is outside of the city limits.

Corbin Gordon reviewed the draft will serve letter and made the following comments:

- It gave the Kinsey family the opportunity to connect to the City's culinary water system.
- It required that the family participate in any petition for annexation for surrounding properties.
- They would be charged 1.5 times the rate for culinary water.
- Wanted permission to remove any sections of the letter that were not necessary.

Michael Henke reported that each of the five lots would have documents recorded against them. Mr. Gordon added that the two lots, not included in the request, would also have documents recorded against them.

Motion: Council Member Simonsen moved to approve the will serve letter as provided to the Council noting that the City Attorney could modify the terms that did not apply, and "applicant" would be changed to "petitioner".

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

- 8. Edelweiss Meadows / Preliminary Approval** (Hilltop Homes – Approximately 60 minutes)
– Discuss and possibly grant preliminary approval for the Edelweiss Meadows Subdivision located at 640 East 200 South (Remaining Parcel B of the Kem Bezzant Subdivision) (Zoning is R-1-11). Recommended with conditions by the Midway City Planning Commission. **Public Hearing**

Note: Council Member Orme recused herself from consideration of the item and left at 7:52 p.m.

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

- Land use summary
- Location of the subdivision
- Existing plat map
- Proposed plat map
- Temporary cul-de-sac
- Discussion items
- Requests from Kem Bezzant
- Water Board recommendations
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The continuation of 200 South had been accommodated.
- The subdivision would include sidewalks even though the surrounding area did not have them.
- Mr. Bezzant would deed a portion of the road to the City.
- The proposal required a plat amendment and vacating a section of the existing plat map.
- The lots would be double the minimum allowed size in the zone.
- The applicant had agreed to Mr. Bezzant's requests.
- The proposed storm drain basin had been moved from the back of a lot to the front.
- If 200 South continued in a straight line, then it would leave a lot in the Neerings Subdivision four feet too short. The road could be moved north.

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

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

- The City Engineer's office inspected storm drain systems each fall to make sure that they had not been covered and were still functioning.
- Should sidewalks that go nowhere be required? They should be installed because they

may also be installed in the surrounding area in the future. The rural cross-section was not an option for the subdivision. Children should not be forced to walk in the street.

Public Hearing

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

Clint Neerings

Mr. Neerings made the following comments:

- Did not oppose the development.
- Asked that the developer adjust the road so there would be no unbuildable lots in the Neerings Subdivision. This would allow all his siblings to have a lot.
- Why had other potential buyers of the property, who wanted less dense projects, been denied?
- The City's streets plan required 200 South to continue to Michie Lane, but that would require it to take a winding and problematic route. The route would affect his family and reduce the rural feel in the area.
- There were multiple points of access in the area.

Mr. Henke made the following comments:

- Less density was a goal for the City but paying for roads in a project required developers to increase the number of lots.
- The Streets Plan did not specify the exact location of a road.
- 200 South and Michie Lane would be the only east to west roads in the area.

Jean Hoover

Ms. Hoover made the following comments:

- 200 South would end one block to the west and would never be a true through road.
- Did not oppose the proposed development.

Cory Neerings

Mr. Neerings made the following comments:

- The block road system ended on the block to the west.
- Some of the surrounding developments were built without regard for the block system.

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

Paul Berg, Berg Engineering Resource Group and representing the applicant, made the following comments:

- The west end of the road, proposed for the development, was already established. It was extended straight to the east.
- Requested that the sewer for the proposed subdivision go through the Neerings Subdivision. It would be installed by the applicant.

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

- Two cul-de-sacs and less density were preferable to more density and a through road.
- Evacuations in case of an emergency were an issue.
- There was not much benefit to connecting 200 South to Michie Lane on the east.
- The Neerings Subdivision achieved maximum density because of 200 South connecting to it.
- The General Plan would have to be amended to change the route of 200 South.
- Moving the road to the north would increase density.

Dennis Higley, applicant, made the following comments:

- Would install the sewer and move the road to the north if the Neerings family would give him some additional footage so that he could have an additional lot. The lots would still be oversized for the zone.

Motion: Council Member Drury moved to table consideration of the item until the next meeting so that the parties could discuss the proposed changes.

Second: Council Member Dougherty seconded the motion.

Discussion: Mr. Higley indicated that he had closed on the property and was paying interest on the loan.

Clint Neerings did not oppose an easement for the sewer line but wanted 200 South vacated from the road plan.

Council Member Dougherty thought that continuing the item was better than it being denied.

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

Mayor Johnson	Nay
Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Recused
Council Member Payne	Nay
Council Member Simonsen	Nay

Motion: Council Member Payne moved to grant preliminary approval for the Edelweiss Meadows Subdivision located at 640 East 200 South (Remaining Parcel B of the Kem Bezzant Subdivision) (Zoning is R-1-11) with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-11 zone.

- The proposal complied with the land use requirements of the R-1-11 zone.
- 200 South was required as part of the City's general plan.
- A plat amendment and or vacation would be submitted with the final application for the proposal.
- The developer would address Mr. Bezzant's concerns as listed in the staff report that included deeding the 200 South right-of-way, access to lot 1 during construction, and restoration to any damaged property.
- A note would be included on the plat map informing the future owner of lot three that the stormwater runoff pond should not be modified in any way that reduced its capacity or functionality.
- 200 North would be moved north as required to accommodate the lot in the Neerings Subdivision.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Drury asked if the sewer plan would be adjusted? Council Member Simonsen responded that could be addressed with final approval.

Council Member Dougherty indicated that the Council was not the applicant's engineer and was reluctant to have the motion redesign the Subdivision.

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

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

Motion: Without objection, Mayor Johnson recessed the meeting at 8:57 p.m. She reconvened the meeting at 9:09 p.m.

Note: Council Member Orme returned at 9:09 p.m.

- 9. Ordinance 2020-18 / Double Frontage Lots** (City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2020-18 amending Title 16 (Land Use) of the Midway City Municipal Code regarding double frontage lots. Recommended by the Midway City Planning Commission. **Public Hearing**

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

- Definitions of double frontage
- Examples
- Proposed code
- Transportation plan and road types
- Impact on properties
- Possible findings

Mr. Henke also made the following comments:

- The proposal was from staff.
- Double frontage was generally discouraged unless it backed up to a collector road and had limited access.
- Avoided six-foot fences next to roads.
- It was unlikely that there would be any lots with double frontage that did not also have open space.
- There were large setback requirements for collector roads.
- Large or small subdivisions could not have fences next to sidewalks.

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.

Paul Berg

Mr. Berg reviewed several properties that were wide enough for a road and a row of lots. He questioned who wanted a road in their backyard. He supported the proposal because it eliminated a loophole in the Municipal Code.

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

Motion: Council Member Drury moved to adopt Ordinance 2020-18 regarding double frontage lots with the following findings:

- The proposed code would regulate when double frontage lots would be created.
- Double frontage would not be allowed when a lot backed a local, minor collector, or local collector street.
- Double frontage would be allowed when a lot backed a collector or arterial street.
- The proposed code might reduce the ability of some properties to develop.

Second: Council Member Simonsen 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

Motion: Council Member Drury moved to next consider the exception to setbacks and the road name change.

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

10. Gravity Coalition / Exception to Setbacks (Kody Hoover – Approximately 30 minutes) – Discuss and possibly grant an exception to the setbacks for Gravity Coalition located at 269 East Main Street (Zoning is C-2).

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

- Location of the business
- Pictures of the business
- Setbacks for the C-2 zone
- Proposed site plan
- Rendering of the proposed structure

Mr. Henke also made the following comments:

- The applicant was requesting an exception to the setbacks for his business.
- The business was a mixed-use project.
- The applicant wanted to expand the building to the north and east.
- There needed to be sufficient parking.
- Noticed the property owner to the east but had not heard back from her.

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

Kody Hoover, applicant, made the following comments:

- Requested that the outline on the site plan, but not the exact footprint of the building, be approved by the Council.
- The front setback was not critical.
- Wanted to increase the square footage of the building for additional inventory.
- Wanted to stay in the building and restore it.
- Did not speak to the neighbors about the proposal. They were customers but not at their property a lot.

Motion: Council Member Simonsen moved to approve the request to make an exception to the setbacks for the property allowing the side setbacks to go with the commercial standard of zero with the following findings:

- The zero-setback applied generally to commercial lots not adjacent to residential lots.
- The owner of the adjacent residential lot was notified of the request and did not respond with any issues. The home on the adjacent lot was a rental property.
- There were other buildings in the area that were close to lot lines.
- The City wanted to promote this area as a commercial zone.
- The business was successful and growing which the City wanted to support.
- The intent of the Municipal Code was to protect legacy residential use, but ultimately hoped that the area would transition from residential to commercial over time. The request was consistent with that intent.
- A request to reduce the ten-foot front setback would not be granted at that time because other commercial properties had that setback.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Payne preferred to have the input of the adjoining property owner. Council Member Orme responded that the owner did not live in the house. Jean Hoover, who owned the property where the business was located, indicated that her property was zoned commercial when the adjoining residential property was purchased by the current owner.

Council Member Dougherty asked if there was a height limit for the zone. Mr. Henke responded that the limit was 35 feet. Council Member Dougherty asked that approval be conditioned on the height of the building not being increased.

Council Member Payne did not want to approve the request without seeing the specific building and its footprint. Mr. Henke responded that the conditional use would not run with the property.

Amended Motion: Council Member Simonsen moved to approve the request to make an exception to the setbacks for the property allowing the side setbacks to go with the commercial standard of zero with the following findings:

- The zero-setback applied generally to commercial lots not adjacent to residential lots.
- The owner of the adjacent residential lot was notified of the request and did not respond with any issues. The home on the adjacent lot was a rental property.
- There were other buildings in the area that were close to lot lines.
- The City wanted to promote this area as a commercial zone.
- The business was successful and growing which the City wanted to support.
- The intent of the Municipal Code was to protect legacy residential use, but ultimately hoped that the area would transition from residential to commercial over time. The request was consistent with that intent.
- A request to reduce the ten-foot front setback would not be granted at that time because other commercial properties had that setback.
- The peak of the roof remained consistent with the existing building.
- The Building Safety Department would address the drainage from the building onto the neighboring lot.

Second: Council Member Orme seconded the amended motion.

Discussion: Van Kelly, a contractor working with the applicant, indicated that the roof could be setback a foot with snow rakes and a rain gutter.

Mayor Johnson noted that Ridley's grocery store dumped rain and snow onto a neighboring property and the issue had to be corrected.

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

Motion: Council Member Drury moved to extend the meeting to consider the road name change.

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. Whitaker Farm / Change Road Name (Dan Luster – Approximately 5 minutes) – Discuss and possibly approve renaming the section of Whitaker Farm Way, from River Road to the entrance to the Whitaker Farm Subdivision, to Salazar Spring Road.

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

- Roads plan
- Overview of the request

Mr. Henke also made the following comments:

- No documents needed to be recorded for the request.
- Recommended that the Whitaker Farm developer pay all the costs to change the name.

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

Council Member Simonsen asked if there were any concerns with emergency services, deliveries, etc. Mr. Henke responded that Ivan Spencer, Wasatch County GIS Database

Administrator, did not have any issues.

Motion: Council Member Orme moved to change Whitaker Farm Way to Salazar Spring Road on the section as recommended by staff.

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

Motion: Council Member Drury moved to extend the meeting to consider Ordinance 2020-19.

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

12. Ordinance 2020-19 / Tree Regulations and Preservation (City Planner – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2020-19 adding Section 16.29 (Tree Regulations and Preservation) to the Midway City Municipal Code. Recommended by the Midway City Planning Commission. **Public Hearing**

Council Member Simonsen made the following comments:

- The Ordinance was a requirement to be a Tree City.
- It regulated the maintenance of trees on public property.
- Any costs would not exceed the budgeted \$2 per resident.

Michael Henke made the following comments:

- The Ordinance would help with trails damage caused by trees.
- Would allow for the removal of hazardous trees on private property.
- Was recommended by the Midway Trails and Parks Advisory Committee.

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 2020-19 establishing tree regulations and adding Section 16.29 (Tree Regulations and Preservation) to the Midway City Municipal Code.

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

Motion: Council Member Drury moved to extend the meeting to consider Ordinance 2020-20.

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

13. Ordinance 2020-20 / Tree Board (City Planner – Approximately 2 minutes) – Discuss and possibly adopt Ordinance 2020-20 amending Chapter 2.06 (Trails and Parks Advisory Committee) of the Midway City Municipal Code to designate the Midway Trails and Park Advisory Committee as a tree board for Midway City.

Michael Henke reviewed the proposed ordinance. Mayor Johnson indicated that expenses for an arborist would count towards the required annual budget for a Tree City.

Motion: Council Member Simonsen moved to approve Ordinance 2020-20 designating the Trails and Parks Advisory Committee as the Trails, Parks and Trees Advisory Committee and amending Chapter 2.06 (Trails and Parks Advisory Committee) of the Midway City Municipal Code.

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

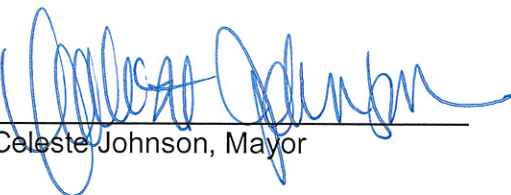
14. Appenzell PUD, Phase 1 / Conclude Warranty Period (City Engineer – Approximately 10 minutes) – Discuss and possibly conclude the warranty period and release the remainder of the bond for the Appenzell PUD, Phase 1 located at 700 South Center Street subject to the payment of all fees due to Midway City.

Wes Johnson reported that he did not have any new information regarding the item. He recommended that it not be considered that night.

15. 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 10:19 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder