

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

**Tuesday, 16 January 2024, 6:00 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; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:07 p.m.

Members Present:

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member
Craig Simons, Council Member
JC Simonsen, Council Member

Brad Wilson, Recorder

Others Present:

Courtland Nelson, Open Space Committee
Chair
Steve Stevens, Open Space Committee
Member
Natalie Streeter, Open Space Committee
Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Katie Villani, Planner

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

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

2. Oaths of Office – Administer the oaths of office for the recently elected council members.

Brad Wilson administered the oath of office to Council Member Orme, Council Member Payne, and Council Member Simons.

3. Consent agenda

- a. Agenda for the 16 January 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 5 December 2023 City Council Work Meeting
- d. Minutes of the 5 December 2023 City Council Regular Meeting
- e. Conclude the warranty period and release the remainder of the bond for the Lime Canyon Meadows Subdivision, located at 960 West Lime Canyon Road (Zoning is R-1-22), subject to the payment of all fees due to Midway City.
- f. Conclude the warranty period and release the remainder of the bond for the Haynie Density Reduction Subdivision, located at 155 East 600 North (Zoning is R-1-22), subject to the payment of all fees due to Midway City.
- g. Resolution 2024-02 approving compensation for council members serving on various boards.
- h. Resolution 2024-03 amending the Midway City Policies and Procedures to include a dual signature policy for accounts payable invoices.
- i. The bond for the Midway City Mayor
- j. Third one-year extension of the final approval for the Edelweiss Meadows Subdivision located at 640 East 200 South (Zoning is R-1-11)

Note: Copies of items 3a through 3j are contained in the supplemental file.

Council Member Drury asked that item 3j be considered separately.

Motion: Council Member Drury moved to approve items 3a through 3i on the consent agenda.

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

Council Member Drury asked what had changed with the Edelweiss Meadows Subdivision. Michael Henke responded that the partners in the project had reached a compromise.

Dallin Higley, applicant, made the following comments:

- The partners had gone through a turbulent time, but they had reached a compromise regarding their differences.
- Hoped to record the plat map in the next 30 to 60 days.

- A compromise had just recently been reached.

Council Member Drury indicated that concerns had been raised during the previous extension. He was not comfortable that the partners would do what they said. He suggested only a 30-day extension. Council Member Payne said that issues always came up and suggested 60 days. Michael Henke responded that a period shorter than one year could be approved. Council Member Orme and Council Member Drury agreed with the 60-day limit.

Motion: Council Member Drury moved to grant a 60-day extension for the Edelweiss Meadows Subdivision located at 640 East 200 South.

Second: Council Member Orme seconded the motion.

Discussion: None

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

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

4. 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.

Traffic Calming

Steve Dougherty, a former member of the Midway City Council, expressed concern with the City taking another survey about traffic calming. He stated that the Council was elected to exercise its best judgment and not just consider the results of surveys. Mayor Johnson responded that the survey was commissioned and paid for by the Mountainland Association of Governments (MAG).

No further comments were offered.

5. Department Reports

HVTED / Grants

Council Member Orme reported that grants were available through Heber Valley Tourism and Economic Development (HVTED). She asked the Council to consider possible projects for one of the grants.

Affordable Housing Board / Prestige Two

Council Member Payne reported that the Wasatch County Affordable Housing Board owned a development called Prestige Two, which generated \$90,000 a year. He said that the Board's goal should be to create more affordable housing and not to own assets. He recommended that the project be sold, and the equity used for additional affordable housing.

Interlocal Board / Heber Valley Corridor / Representation

Council Member Simons reported that he attended a meeting of the Wasatch County Interlocal Advisory Board. He indicated that two council members needed to be appointed to the Board and a group regarding the proposed Heber Valley Corridor (bypass road).

Irrigation Company / Boundary Commission

Steve Dougherty indicated that he needed to be replaced on the Midway Irrigation Company Board, Wasatch County Boundary Commission, and Heber Light & Power Company Board. He was willing to assist in the transition and to continue serving until the appointments were made. Mayor Johnson responded that Council Member Payne had been appointed to the Boundary Commission.

- 6. Caring Coalition / Dinner in the Park** (Trudy Brereton - Approximately 10 minutes) – Receive a presentation regarding Midway City's participation in Dinner in the Park.

Mayor Johnson noted that representatives of the Caring Coalition were not yet present.

- 7. Financial Statements / Audit Report** (Approximately 10 minutes) – Receive a presentation on the fiscal year 2023 financial statements (Ryan Child) and audit (Ben Probst).

Brad Wilson indicated that the financial statements and audit report were not yet completed.

- 8. Lundin Properties / Open Space** (Utah Open Lands – Approximately 30 minutes) – Discuss and possibly deny, continue, or approve using bond funds to preserve open space on properties owned by the Lundin family at approximately 900 West Bigler Lane.

Courtland Nelson, chair of the Midway City Open Space Advisory Committee, reviewed the history of the Lundin properties and indicated that it would take some time to preserve the associated open space. He reported that the Open Space Committee recommended extending the deadline on the previously approved city funding.

Wendy Fisher, Utah Open Lands Executive Director, gave a presentation regarding the properties and reviewed the following items:

- The family had owned the properties for over 100 years.
- Family issues prevented the open space from being preserved sooner.
- Mediation among the family members did not happen.
- Would have to wait until May to file for Lee Ray McCallister funds if the family issues

were resolved.

- A lot could be lost if the proposal failed.
- Should know in March if the issues were resolved.
- Requested that the city funding be extended until May 15th of that year.
- The Natural Resources Conservation Service (NRCS) preferred local governments to contribute before it awarded any grant money.

Ms. Fisher also made the following comments:

- The water rights would be included in the conservation easement. They had to stay with the property to make it viable.
- A water map was needed to determine if all uses could be incumbered.
- The amount of water needed could be stipulated.

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

Katie Villani reviewed the conditions for approving the funds. She indicated that the water rights might be less than expected.

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

- The award money could be used for another project that was ready.
- The Council should stay with the agreement which was for three years.
- 64 acres of the properties had been irrigated with the rest of the land on a sidehill.

Motion: Council Member Simonsen moved to grant an extension of the previous approval with the following findings and conditions:

- The land was used for open space as discussed and proposed to the Council.
- The extension would be until May 15th.
- Hoped that the Lundin family could work out their remaining issues.
- This project and funding request remained consistent with the vision of the Open Space Element of the General Plan.
- The committed funds from Wasatch County and from other potential sources would maximize Midway's contribution through leveraging, and the continuation of an important agricultural business was an added benefit.
- The project was visible from much of Midway and from many areas of the Heber Valley.
- Preservation of the farm would keep valuable agricultural land as open space and the farm would continue to provide agricultural products to the community.
- If the connector road was built on the Lundin property, the community, and particularly the communities serviced by Swiss Alpine and Lime Canyon, would benefit from the safety it would provide.
- The applicant stated that the community would benefit because of public trail easements that would be provided that would connect to the existing trail network.
- There were Midway Irrigation Company shares that were being used on the property which needed to be identified, included in any agreement, and dedicated to Midway City so they remained with the property.

- Public trail easements were clarified before approval.
- Continue the conditions set forth on June 20, 2023, while adjusting dates to accommodate the extension through May 15, 2024:
 - An application was submitted to the LeRay McAllister Fund by May 15, 2024.
 - A commitment was received from the Lundin family and the applicants entered into an agreement with Utah Open Lands committing to sell the development rights for 119 acres of property by May 15, 2024.
 - The contribution continued for a period of three years from June 20, 2023, then an extension would be needed from the City Council.
 - There was a floating easement to deal with the emergency access point with a preferred location, if it could be worked out, on the west boundary which was favored and had been summarized by the family.
 - A memorandum of understanding containing these conditions and identifying the property that was a conservation easement, separate and apart from the rest of the family's property, by May 15, 2024.
 - The required water for irrigation would be encumbered as part of the conservation easement.
 - The parties would diligently work together to create the trail and firebreak as mentioned for public and scenic access.
 - The form of the conservation easement would comply with the memorandum of understanding.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

Note: The motion was amended later in the meeting.

9. Heart of Midway Properties / Open Space – (Utah Open Lands – Approximately 30 minutes) – Discuss and possibly deny, continue, or approve using bond funds to preserve open space on properties owned by various parties at approximately 351 North Center Street.

Courtland Nelson reviewed the location of the properties and made the following comments:

- This was an important and new kind of proposal.
- The owners were asking for \$250,000.
- It was recommended by the Open Space Committee.

Wendy Fisher made the following comments:

- The property owners were committed to the community.
- This was a “kick starter” request.
- Hated to see what would happen to the property if it was developed.
- Homesites had been included in the appraisal.
- Some owners wanted their houses included in the easement.
- A lot of money still needed to be raised.
- The proposal did not qualify for some funding sources.
- Needed the commitment of the local community.
- The owners were providing 25% to 100% of the value of their properties.
- The properties were in the heart of Midway.
- The access to a house site, on the Larson property, would be in the conservation easement.
- Trails were not being proposed at that time.
- Water rights needed to be discussed.
- The owners would encumber any water rights and tie them to the property.
- Each property would have a conservation easement.
- The land, once preserved, would be leased, or maintained by the owners.
- Utah Open Lands would defend and enforce the easements. Wanted the City to be a co-owner and help with enforcement.
- The State had not tried to take water rights from a conservation easement.
- The owners were willing to wait to see if a second open space bond was approved to request additional money.

Note: A copy of Ms. Fisher’s presentation is contained in the supplemental file.

Phillis Shelton, one of the property owners, made the following comments:

- Wanted to preserve the legacy of the Francis Probst family.
- Wanted Midway to remain community based.

Sheila Siggard, one of the property owners, made the following comments:

- Loved and wanted to preserve open space.
- Wanted to preserve her family’s heritage.

Katie Villani gave an overview of the proposal and reviewed the following items:

- Sensitive lands
- Possible findings
- Proposed conditions
- Possible trails and their locations.

Ms. Villani made the following comments:

- The owners might come back and request additional money if a second open space bond was approved.
- The conditions should state that the water rights would be encumbered rather than dedicated to the City.

- There might be a trail easement on the west side but not the east side of the properties.

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

- The Larson property was a lot of record.
- There were several springs on the properties.

Motion: Council Member Simonsen moved to approve the request for the “Heart of Midway” properties for \$250,000 with the following findings and conditions:

- The project and funding were consistent with the vision of the Open Space Element of the General Plan.
- The \$250,000 in funds requested at that time was a relatively small percentage of the purchase price of the conservation easement but fell within the limited Midway City bond funds remaining, and Utah Open Lands advised that this commitment from Midway City would assist Utah Open Lands in applying for applicable public and private funds, thereby leveraging the Bond proceeds to maximize Midway’s contribution.
- The properties comprising the project were completely within Midway City and were subject to funding. The properties were contiguous and located “in the heart of Midway” along North Center Street. Preservation of this collective would create not only a “local neighborhood openness”, but a “central city openness” that was rare to find in the heart of a city.
- Ensured that all the water rights necessary, to continue the operation of the properties and their conservation value, be dedicated and encumbered as part of the easement when that time came.
- Public trail easements were clarified before approval.
- The Applicants requested Midway’s support through its Open Bond funds in the amount of \$250,000 to assist in applying for other funding sources but also considering the possibility of a future bond and a subsequent request. As a condition of any funding, there would be a three-year time limit or procedure for releasing the \$250,000 commitment in bond funds in the event the City did not pursue additional bond funding and/or if a vote on an additional bond was unsuccessful and/or in the event the parties do not reach an agreement on future funding.
- The single-family dwelling, building envelope, and access related to the Larson property needed to be clarified before approval.

Second: Council Member Orme seconded the motion.

Discussion: None

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

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

10. Michel and Kissell Properties / Open Space – (Utah Open Lands – Approximately 30

minutes) – Discuss and possibly deny, continue, or approve using bond funds to preserve open space on properties owned by the Michel and Kissel families at approximately 1130 North River Road.

Courtland Nelson reviewed the location of the properties and indicated that they contained a riverine environment. He noted that they were beautiful properties that would be along an entry and exit for the City.

Wendy Fisher made the following comments:

- The existing houses on the property would not be part of the conservation easement.
- Had applied for NRCS funding for the project. Would come back to the Council if the project did not make it through the application process.
- Requested \$250,000 which would show the City's support.
- The proposal would preserve views.
- A significant amount of money was available from other sources.
- Might not need to come back and request more money.
- Would talk to the property owners about a trail easement to the Provo River trail.
- Wanted to apply for LeRay McAllister funds before the end of the current state legislative session.

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

Michael Henke made the following comments:

- The portions of the properties with the houses could be further developed but it would be difficult. City water would be preferred but wells and fire protection would be required if the properties were developed in the County.
- The owners were not required to annex.
- Did not know the value and ownership percentages of the properties for annexation.
- Conditions could not be placed on a property being forced to annex.

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

- It was preferred that money from the first open space bond be used for open space in the City. The Council should consider requiring annexation to receive money from another open space bond.
- A lot of open space would be preserved even if the portions with the houses were developed.
- The properties should connect to the Albert Kohler Dairy.
- Additional houses on the properties would block more of the view corridor.
- Specifics were needed about the project including how the properties could be developed and if a trail easement was possible.
- Committing the money now would improve the chances of getting other funding.
- Open space funds should not be used to force a property to annex.

Motion: Council Member Orme moved to approve committing \$250,000 as requested for the 37

acres of the Michel and Kissell properties with the following findings and conditions:

- The project and funding request remained consistent with the vision of the Open Space Element of the General Plan.
- The \$250,000 in funds requested at that time was only a small percentage of the purchase price of the conservation easement, but this commitment fell within the limited Midway City bond funds remaining and Utah Open Lands advised that this commitment from Midway City would assist Utah Open Lands in applying for state and federal funds, thereby leveraging the Bond proceeds to maximize Midway's contribution.
- Because the property was completely within Wasatch County (but within the Midway Growth Boundary (annexation area)) and was part of the larger North Fields tract that Wasatch County had identified as a priority in its open space preservation efforts, Wasatch County had been asked to contribute funds from its Open Space Bond Fund. Potential funding sources like the County and other potential sources, such as NRCS and the LeRay McAllister Fund, might maximize Midway's contribution through leveraging, and the continuation of an important agricultural/ranching business was an added benefit.
- The project was visible from much of Midway and to every person who entered or exited Midway along River Road.
- The project expanded and maximized upon the scenic viewsheds preserved by the adjoining Albert Kohler Legacy Property (Kohler Dairy), preserved using Midway Open Space Bond Funds.
- Preservation of the property would keep valuable agricultural/ranching land as open space and the applicant advised the property would continue to provide agricultural products to the community.
- The Midway Irrigation Company shares and the water needed to be encumbered and appurtenant to the property in perpetuity.
- A future public trail easement would be discussed further regarding its location. The easement would be addressed in the conservation easement for a trail from River Road to the future Provo River trail.
- The Applicants had requested the sum of \$250,000 and Midway's support through its Open Bond funds to assist in applying for other funding sources but also considering the possibility of a future bond and a subsequent request. As a condition of any funding, there should be a three-year time limit or procedure for releasing the \$250,000 commitment in bond funds back to the City in the event the City did not pursue additional bond funding and/or if a vote on an additional bond was unsuccessful and/or in the event the parties did not reach an agreement on future funding.
- The money would not be provided to the applicants until all approvals had been completed.
- The owners would not oppose annexation of the properties.

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

Council Member Drury indicated that he voted against the motion because he first wanted several questions answered. Council Member Simons added that he voted against it for the same reason. Mayor Johnson responded that answers would be provided at the next council meeting.

Lundin Properties / Open Space (Continued)

Council Member Simonsen indicated that the motion for the Lundin properties needed to be amended to clarify that the water rights would not be dedicated to Midway City.

Motion: Council Member Simonsen moved to grant an extension of the previous approval with the following findings and conditions:

- The land was used for open space as discussed and proposed to the Council.
- The extension would be until May 15th.
- Hoped that the Lundin family could work out their remaining issues.
- This project and funding request remained consistent with the vision of the Open Space Element of the General Plan.
- The committed funds from Wasatch County and from other potential sources would maximize Midway's contribution through leveraging, and the continuation of an important agricultural business was an added benefit.
- The project was visible from much of Midway and from many areas of the Heber Valley.
- Preservation of the farm would keep valuable agricultural land as open space and the farm would continue to provide agricultural products to the community.
- If the connector road was built on the Lundin property, the community, and particularly the communities serviced by Swiss Alpine and Lime Canyon, would benefit from the safety it would provide.
- The applicant stated that the community would benefit because of public trail easements that would be provided that would connect to the existing trail network.
- The water rights necessary for agriculture and other uses be encumbered as part of the conservation easement in perpetuity.
- Public trail easements were clarified before approval.
- Continue the conditions set forth on June 20, 2023, while adjusting dates to accommodate the extension through May 15, 2024:
 - An application was submitted to the LeRay McCallister Fund by May 15, 2024.
 - A commitment was received from the Lundin family and the applicants entered into an agreement with Utah Open Lands committing to sell the development rights for 119 acres of property by May 15, 2024.
 - The contribution continued for a period of three years from June 20, 2023, then an extension would be needed from the City Council.
 - There was a floating easement to deal with the emergency access point with a preferred location, if it could be worked out, on the west boundary which was favored and had been summarized by the family.
 - A memorandum of understanding containing these conditions and identifying the property that was a conservation easement, separate and apart from the rest of the family's property, by May 15, 2024.

- The required water for irrigation would be encumbered as part of the conservation easement.
- The parties would diligently work together to create the trail and firebreak as mentioned for public and scenic access.
- The form of the conservation easement would comply with the memorandum of understanding.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

Motion: Without objection, Mayor Johnson recessed the meeting at 8:13 p.m. She reconvened the meeting at 8:22 p.m.

11. Commercial Property Assessed Clean Energy (C-PACE) Program / Homestead Resort
(Scott Jones – Approximately 30 minutes)

11a. Ordinance 2024-01 / Energy Assessment – Discuss and possibly deny, continue, or adopt Ordinance 2024-01 designating an energy assessment area in Midway City and levying an assessment within that area.

11b. Resolution 2024-01 / Program Administration Agreement – Discuss and possibly deny, continue, or approve Resolution 2024-01 adopting a program administration agreement for the C-PACE program.

Mayor Johnson explained that the funding proposal had been presented to her several years earlier.

Brennen Brown, D.A. Davison & Co., explained the C-PACE program and made the following comments:

- Was helping the Homestead Resort with financing.
- The program would be a loan to the owners.
- It focused on clean energy and energy efficiency.
- It involved Midway City and required the City's approval.
- It was not a deed of trust but an assessment lien. The lien would be on specific properties.
- The City could administer the program or assign the lender that responsibility.
- More than 20 cities and counties in Utah participated in the program.

- The financing would facilitate long-term improvements to the resort.
- The loan would be for 30 years rather than two to three years for most construction loans.
- The program was established by the federal government but administered by the states.
- Met with the City Attorney the previous Friday.
- The program would not cost the City anything.
- The City would be granting the lender its ability to levy an assessment.
- The loan would supersede any mortgages.
- The loan would be \$65 million.
- The lender would foreclose on the property if the borrower defaulted on the loan.
- An energy audit would be done which would identify categories where the loan money could be spent.
- The City only had to approve the assessment. The loan was not contingent upon other City approvals.
- The program did not affect the City's approval process and phasing for the Homestead.
- Any mortgage holders had to consent to the assessment. That had not yet happened.
- The lender would use the buildings and not the golf course as collateral.
- More than \$65 million would be recovered if the borrower defaulted. If enough was not recovered, then any money would be split equally among those at the same lending position.
- The loan could only be up to 30% of the encumbered assets.
- The value of the encumbered assets would be over \$200 million when the improvements were completed.
- Only commercial assets could be encumbered.

Corbin Gordon made the following comments:

- The City would not have any risk, nor would its assessment capacity be affected.
- State law had changed, and the State no longer participated in the program.
- An ordinance was no longer needed to establish an assessment area.
- The City would not issue bonds with the program.
- The City was approving an assessment that would be administered by a private lender.
- The lender would be in the same loan position as the City and other taxing entities.

Jacob Carlton, Gilmore Bell, made the following comments:

- The agreement with the lender indemnified the City.
- The Council needed to authorize the Mayor to sign an agreement for the program and loan.

Jeff Gertsch, representing the applicants, made the following comments:

- The loan money would also be used to improve water conservation.
- The sprinkler system and water storage ponds for the golf course would be improved.
- 70 additional units would be added to the resort.

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

- The City could participate in the program because it was low risk and increased energy efficiency.

- The City should be in the first position to collect any debt.
- The percentage of money received because of a foreclosure should be based on how much debt was held by the lender.
- The value of the assets was overinflated.
- The request should be continued to answer all the Council's questions.
- What did the City receive in tax revenue from the Homestead?

Motion: Council Member Simonsen moved to continue the item and bring it back in the future.

Second: Council Member Drury seconded the motion.

Discussion: None

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

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

12. Ordinance 2024-02 / Cottage Industries (City Planner – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-02 amending Title 16 (Land Use) of the Midway City Municipal Code regarding cottage industries. **Public Hearing**

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

- Current code
- Current language
- Cottage industries versus home occupations.
- Proposed language
- Possible findings

Mr. Henke also made the following comments:

- The City received one application for a cottage industry in the last 10 years.
- The current Municipal Code allowed industries in residential zones.
- It was difficult to anticipate what industries would be proposed and what problems they would create for neighborhoods.
- Business licenses in residential areas were exclusively home occupations.
- Most business licenses were home occupations.
- Cottage industries pertained to manufacturing.
- Home occupations allowed some manufacturing.
- The home occupation regulations worked well and should not be changed.

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

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

- Cottage industries should not be completely removed from the Code. Hair salons, daycares, music lessons, and similar businesses should be allowed. These types of businesses were not cottage industries and not currently allowed by the Code. Residents were probably doing these types of businesses anyway.
- Businesses with one client at a time should be allowed.
- Additional employees should be allowed during shift changes.
- Should cottage industries be removed now while other changes were being considered?
- Any changes allowing certain businesses should be clear and unambiguous.
- Additional types of businesses could be allowed in the future if needed.
- Complaints were received regarding daycares.
- Clients probably came to some home occupations even though that was prohibited.

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 Drury moved to continue the item.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Payne recommended that the proposed ordinance be adopted, and another ordinance be brought back to the Council with changes such as allowing clients at home occupations. Council Member Simonsen noted that the new ordinance would have to go to the Planning Commission, etc. Council Member Drury did not change his motion.

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

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

13. Ordinance 2024-03 / Barns (City Planner – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-03 amending Section 16.13.130 (Location of Barns) of the Midway City Municipal Code regarding barns. **Public Hearing**

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

- Summary
- Current language
- Proposed language

Mr. Henke also made the following comments:

- What was a barn? Was it determined by what happened in it or how it looked?
- Had been identifying barns by their use.
- Barns needed to be better defined in the Code.
- Was a lean-to considered a barn?
- Something was considered a structure if it had a roof.
- The Planning Commission recommended the ordinance.
- Preferred that the number of animals be based on the zone and the section on barns be eliminated.

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

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

- A pasture went up to a property line.
- What was the definition of a corral? A corral was temporary.
- There would be no difference between a barn and a pasture if there was not a lot of livestock.

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 Orme moved to eliminate the entire section of the Code and use the outbuilding regulations that were based on structure size.

Second: Council Member Simons seconded the motion.

Discussion: None

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

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

Motion: Council Member Orme noted that it was after 10:00 p.m. and moved to consider the next item on the agenda and the Qwest Franchise Agreement.

Second: Council Member Payne seconded the motion.

Discussion: None

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

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

14. Ordinance 2024-04 / Commercial Drive-Throughs (City Planner – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-04 amending Section 16.13.39 (Off Street Parking and Loading) regarding commercial drive-throughs.
Public Hearing

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.

15. Resolution 2024-05 / Qwest Franchise Agreement (City Attorney – Approximately 20 minutes) – Discuss and possibly approve Resolution 2024-05 adopting a franchise agreement with Qwest Corporation.

Corbin Gordon made the following comments:

- Had been working on the agreement for some time.
- Negotiated requests from Steve Dougherty from when he was on the Council. Qwest agreed to some but not all the requests. They did not agree to pay for infrastructure changes requested by the City. The City would have to pay for those changes.
- It was a standard agreement.

Wes Johnson indicated that the City could not request that Qwest remove unused power poles with their lines on them.

Motion: Council Member Drury moved to approve Resolution 2024-05 and authorized the Mayor to sign the agreement.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye

Council Member Simons Aye
Council Member Simonsen Aye

16. Ordinance 2024-04 / Commercial Drive-Throughs (City Planner – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2024-04 amending Section 16.13.39 (Off Street Parking and Loading) regarding commercial drive-throughs.
Public Hearing

17. Donations (Mayor Johnson – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve donations to various charitable organizations.

Motion: Council Member Payne moved to continue Ordinance 2024-04 and donations to a subsequent meeting.

Second: Council Member Orme seconded the motion.

Discussion: None

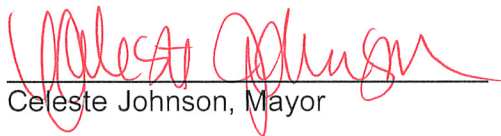
Vote: The motion was approved with the Council voting as follows:

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

18. Adjournment

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

The meeting was adjourned at 10:19 p.m.


Celeste Johnson, Mayor


Brad Wilson, Recorder