



Midway

CITY COUNCIL STAFF REPORT

DATE OF MEETING: January 20, 2026

NAME OF APPLICANT: City of Midway

AGENDA ITEM: Amendment of the Midway City Code, including Chapter 16 Land Use provisions, that will amend noticing requirements pertaining to newspapers.

ITEM: 9

Proposed code text amendment to the following Midway City Code Sections to reflect that the former local newspaper, the Wasatch Wave, is no longer in business:

- 2.03.040 Mode of Appointment and Filling Vacancies
- 2.12.070 Salaries
- 2.14.040 Service of Notice
- 2.15.020 Notice of a Hearing
- 4.02.010 Purchasing
- 7.07.040 Special Event License Application Procedure
- 12.06.020 Process
- 16.22.040 General Requirements
- 16.26.010: Public Notice
- Section 16.26.040 Notice Regarding Changes To Zoning Ordinance Requirements

BACKGROUND:

Several sections of the Midway Municipal Code, including the above referenced sections in Chapter 16, Land Use, require noticing in a newspaper of general circulation. Historically, this has been through the Wasatch Wave. Since this longstanding newspaper closed its doors, and we

have no guarantee that another paper will take its place on a longstanding basis, the City's noticing provisions should be amended accordingly.

A recent article in the Park City Record advises that the Park Record will begin circulating a Wasatch Record biweekly, Wednesdays and Saturdays, at an unspecified date. While newspapers may continue to be a great assistive vehicle to the City for noticing, staff recommends removing it as a requirement in code in recognition of the fact that there was no current newspaper at the time of writing this report, a former longstanding paper went out of business, and newspapers no longer have the monopoly they once held as a news source.

DISCUSSION

The relevant sections of code with proposed revisions are detailed below:

2.03.040 Mode Of Appointment And Filling Vacancies

1. Any vacancy in the Commission membership shall be ~~advertised in a newspaper of general circulation~~, posted in at least three public places within Midway City and on the official Midway City web site.

2.12.070 Salaries

B. Adopting, Changing, or Amending Compensation. Upon its own motion, the governing body may review or consider the compensation of any officer or officers of the City or a salary schedule applicable to any officer or officers of the City for the purpose of determining whether it should be adopted, changed, or amended. In the event the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place of a public hearing at which all interested persons shall be given an opportunity to be heard. Notice of the time, place, and purpose of the ~~meeting~~ shall be ~~published~~ published at least ~~seven~~ fourteen days prior thereto ~~by a publication in at least one issue of a newspaper published in Wasatch County and generally circulated in Midway City. in at least three public places within Midway City and on the Midway City website.~~ After the conclusion of the public hearing, the City Council may enact an ordinance fixing, changing, or amending the compensation of any elected or appointed officer of the City or adopting a compensation schedule applicable to any officer or officers.

2.14.040 Service Of Notice

The Notice of Violation and other notices required or contemplated by this ordinance, shall be hand-delivered to the alleged violator or posted in a conspicuous place on the affected property

or mailed by U.S. Mail with delivery tracking. ~~If these methods are unsuccessful in reaching the person, notice may be published in a newspaper of general circulation in the City.~~

2.15.020 Notice Of A Hearing

Reasonable notice of a hearing on disposition by the City of real property is hereby deemed to require ~~publication of the notice once in a newspaper of general circulation at least 14 days before the hearing and~~ posting of the notice in at least three public places within Midway City and on the Midway City website at least 14 days before the hearing.

4.02.010 Purchasing

H. Sealed Bids.

1. Contracts or purchases shall be awarded by competitive sealed bidding except as otherwise provided by this policy.
2. A request for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The request shall include a scope of work, specifications, and all contractual terms and conditions applicable to the procurement.
3. Legal notice of the request for bids shall be ~~given~~ posted on the Utah Public Notice Website and the Midway City website for at least 32 consecutive weeks ~~in a newspaper of general circulation in Midway City and at least 5 days before the opening of bids~~ submission deadline. The City may use additional methods of publication to further publicize the notice at the discretion of the City.

I. Competitive Sealed Proposals.

2. Proposals shall be solicited through a request for proposals. Legal notice of the request for proposals shall be ~~given~~ posted on the Utah Public Notice Website and the Midway City website for at least 32 consecutive weeks ~~in a newspaper of general circulation in Midway City. The notice shall be given for a reasonable time, but not less than one week prior to the advertised date of the opening of proposals~~ submission deadline and at least 5 days before the opening of bids. The City may use additional methods of publication to further publicize the notice at the discretion of the City.

7.07.040 Special Event License Application Procedure

2. B. City Council Hearing. Special Event applications requiring City Council review and appeals of administrative Special Event decisions shall be heard at a duly noticed public ~~meet~~ hearing of the City Council. Noticing shall be in accordance with the noticing provisions for City Council meetings under the Code. The noticing requirement shall be fulfilled by a notice in a paper of general local circulation seven days prior to the hearing. The City Council shall review the application for compliance with the standards set forth

in this Chapter and shall record its decision with written findings of fact, conclusions of law, and conditions of approval, if applicable. Written notice of the City Council's decision shall be delivered to the Applicant within ten days of the date of decision.

12.06.020 Process

Upon receiving such written notice, the City shall within five business days:

- A. Notify the Midway City Historic Preservation Committee (or similar body as may from time to time be constituted) of the notice of the proposed changes.
- B. Post notice of the proposed changes in three public places within ~~the~~Midway City, on the City website, and on the owner's property on which the structure is located.
- ~~C. Publish notice of the proposed changes once a week for three consecutive weeks in a newspaper of general circulation in the City.~~

16.22.040 General Requirements

K. Public Notice. For purposes of this Chapter, any special use request shall be pursuant to notification requirements outlined in Title 16, except that the notice required shall include posting ~~of the property the notice in at least three public places within Midway City and on the Midway City website~~ and mailing the notice to all property owners within ~~10600~~ feet of the proposed use, ~~and publication in a newspaper of general circulation, regardless of any expression to the contrary to said notification requirements.~~

16.26.010 Public Notice

Notice of the date, time, and place of all public hearings concerning the adoption or modification of a land use ordinance or zoning map shall be posted in at least three public locations within Midway City ~~and~~ on the City's official website. In addition, at least ten calendar days before the hearing, the notice shall be mailed to each affected entity (as defined in Utah law) ~~and published in a newspaper of general circulation in Midway City.~~

16.26.040 Notice Regarding Changes To Zoning Ordinance Requirements

- ~~A. For public hearings to hear proposed changes to the General Plan provisions or Land Use requirements for any one or more of the following subjects, the City shall provide notice as required in this Chapter.~~
 - ~~1. A ten percent or more increase or decrease in the number of square feet or units that may be developed.~~
 - ~~2. A ten percent or more increase or reduction in the allowable height of a building.~~
 - ~~3. An increase or reduction in the allowable number of stories.~~
 - ~~4. A ten percent or more increase or decrease in the setback or open space requirements.~~

~~5. An increase or reduction in permitted uses.~~

~~6. Rezoning proceedings that may change the zoning classification of an individual real property owner's property.~~

AB. The City shall provide notice to real property owners pursuant to notification procedures for proceedings governed by this Chapter. Notice shall be sent by first class mail to each real property owner, as shown on the latest County assessment records, whose real property is directly governed by the changes; ~~or the City shall publish a summary of such changes in a newspaper of general circulation prior to the hearing. The summary shall be published in a "display ad" covering not less than one-eighth of a full page.~~

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this item with respect to provisions in Chapter 16, Land Use, at its regular meeting held December 9, 2025, and made the following recommendation:

Motion by Commissioner Wardle: "I make a motion that we recommend approval for the proposed code, text amendment to Midway City Code Sections 16.22.040: General Requirements, 16.26.010: Public Notice, and Section 16.26.040 Notice Regarding Changes To Zoning Ordinances to reflect the fact that the local newspaper, the "Wasatch Wave" is no longer in business, and that might include all of the possible findings by the staff as part of the motion."

Second: Commissioner Lineback

Ayes: Commissioners Osborne, Nokes, Probst, Knight

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The Proposed amendments to the noticing provisions of the Midway were prompted by the closure of the former Wasatch Wave, the only newspaper local to the county, and lack of guarantee of a permanent and longstanding replacement.
- While other newspapers may develop circulation locally (the Park Record recently reported they will start circulating a Wasatch Record biweekly), the closing of the longstanding Wasatch Wave suggests the impermanency of even long-established newspapers. While newspapers may continue to be an assistive vehicle to the City for noticing, removing it as a requirement in code recognizes the fact that there is no current newspaper, a former longstanding paper went out of business, and newspapers are not the overwhelming source of news and notice they once were.

- Noticing will be accomplished through posting in at least three public places within Midway City and on the Midway City website, generally, and mailing to affected entities and property owners where required by code.
- The proposed amendments comply with the notice requirements under state law.
- Midway policies and procedures should be amended to remain consistent with any changes in noticing.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City’s Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again.
3. Recommendation of Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City’s Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for denial



Midway

**ORDINANCE
2026-03**

**AN ORDINANCE AMENDING THE MIDWAY CITY CODE
TO UPDATE PUBLIC NOTICE AND NOTICING
REQUIREMENTS AND REMOVE MANDATORY
NEWSPAPER PUBLICATION REQUIREMENTS.**

WHEREAS, the City Council of Midway City (the “City Council”) has authority under Utah law to adopt and amend ordinances governing municipal procedures, land use, and public notice requirements; and

WHEREAS, several sections of the Midway City Code (the “Code”), including provisions in Title 16 (Land Use), require notice to be published in a newspaper of general circulation; and

WHEREAS, the Wasatch Wave, the longstanding newspaper historically relied upon for such notice, has ceased operations and is no longer in business; and

WHEREAS, there is no guarantee that a permanent or longstanding replacement newspaper of general circulation will operate within or serve Midway City on a consistent basis; and

WHEREAS, while other newspapers may circulate intermittently within Wasatch County, newspapers no longer serve as the primary or exclusive means by which residents receive public information; and

WHEREAS, the City Council finds that public notice can be effectively and reliably provided through posting in public places, publication on the City’s official website, use of the Utah Public Notice Website where required, and mailed notice to affected entities and property owners as required by state law and City Code; and

WHEREAS, the Planning Commission considered the proposed amendments to the Code at its regular meeting on December 9, 2025, and recommended approval of the amendments; and

WHEREAS, the City Council finds that the amendments set forth herein comply with applicable state notice requirements and promote transparency, accessibility, and consistency in municipal noticing practices.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

The following Sections of the Code shall be amended as follows:

Section 2.03.040. Mode of Appointment And Filling Vacancies

1. Any vacancy in the Commission membership shall be posted in at least three public places within Midway City and on the official midway city web site.

Section 2.12.070. Salaries

B. Adopting, Changing, or Amending Compensation. Upon its own motion, the governing body may review or consider the compensation of any officer or officers of the City or a salary schedule applicable to any officer or officers of the City for the purpose of determining whether it should be adopted, changed, or amended. In the event the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place of a public hearing at which all interested persons shall be given an opportunity to be heard. Notice of the time, place, and purpose of the hearing shall be posted at least fourteen days prior thereto in at least three public places within Midway City and on the Midway City website. After the conclusion of the public hearing, the City Council may enact an ordinance fixing, changing, or amending the compensation of any elected or appointed officer of the City or adopting a compensation schedule applicable to any officer or officers.

Section 2.14.040. Service of Notice

The Notice of Violation and other notices required or contemplated by this ordinance, shall be hand-delivered to the alleged violator or posted in a conspicuous place on the affected property or mailed by U.S. Mail with delivery tracking.

Section 2.15.020. Notice of Hearing

Reasonable notice of a hearing on disposition by the City of real property is hereby deemed to require posting of the notice in at least three public places within Midway City and on the Midway City website at least 14 days before the hearing.

Section 4.02.010. Purchasing

H. Sealed Bids.

1. Contracts or purchases shall be awarded by competitive sealed bidding except as otherwise provided by this policy.

2. A request for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The request shall include a scope of work, specifications, and all contractual terms and conditions applicable to the procurement.

3. Legal notice of the request for bids shall be posted on the Utah Public Notice Website and the Midway City website for at least 2 consecutive weeks before the submission deadline. The City may use additional methods of publication to further publicize the notice at the discretion of the City.

I. Competitive Sealed Proposals.

2. Proposals shall be solicited through a request for proposals. Legal notice of the request for proposals shall be posted on the Utah Public Notice Website and the Midway City website for at least 2 consecutive weeks prior to the submission deadline and at least 5 days before the opening of bids. The City may use additional methods of publication to further publicize the notice at the discretion of the City.

Section 7.07.040. Special Event License Application Procedure

B. City Council Hearing. Special Event applications requiring City Council review and appeals of administrative Special Event decisions shall be heard at a duly noticed public meeting of the City Council. Noticing shall be in accordance with the noticing provisions for City Council meetings under the Code. The City Council shall review the application for compliance with the standards set forth in this Chapter and shall record its decision with written findings of fact, conclusions of law, and conditions of approval, if applicable. Written notice of the City Council's decision shall be delivered to the Applicant within ten days of the date of decision.

Section 12.06.020. Process

Upon receiving such written notice, the City shall within five business days:

A. Notify the Midway City Historic Preservation Committee (or similar body as may from time to time be constituted) of the notice of the proposed changes.

B. Post notice of the proposed changes in three public places within Midway City, on the City website, and on the owner's property on which the structure is located.

Section 16.22.040. General Requirements

K. Public Notice. For purposes of this Chapter, any special use request shall be pursuant to notification requirements outlined in Title 16, except that the notice required shall include posting the notice in at least three public places within Midway City and on the Midway City website and mailing the notice to all property owners within 600 feet of the proposed use.

Section 16.26.010. Public Notice

Notice of the date, time, and place of all public hearings concerning the adoption or modification of a land use ordinance or zoning map shall be posted in at least three public locations within Midway City and on the City’s official website. In addition, at least ten calendar days before the hearing, the notice shall be mailed to each affected entity (as defined in Utah law).

Section 16.26.040. Notice Regarding Changes To Zoning Ordinance Requirements

A. The City shall provide notice to real property owners pursuant to notification procedures for proceedings governed by this Chapter. Notice shall be sent by first class mail to each real property owner, as shown on the latest County assessment records, whose real property is directly governed by the changes.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2026.

	AYE	NAY
Council Member Kevin Payne	_____	_____
Council Member Lisa Orme	_____	_____
Council Member JC Simonsen	_____	_____
Council Member Andy Garland	_____	_____

APPROVED:

Craig Simons, Mayor

ATTEST:

APPROVED AS TO FORM:

Brad Wilson, City Recorder

Corbin Gordon, City Attorney

(SEAL)

DRAFT