Midway
C.A.R.E.S.

CITY COUNCIL STAFF REPORT

DATE OF MEETING: November 17, 2026

NAME OF APPLICANT: City of Midway

AGENDA ITEM: Ordinance 2026-28. Amending Section 12.13.020 of the Midway City Municipal Code Regarding The Composition Of The Midway City Building Code Board Of Appeals, And Related Matters.

ITEM: 5

Utah Code Section 15A-1-207 requires municipalities that administer and enforce the State Construction Code to establish a method of appeal by which a person disputing the application and interpretation of a building code may appeal and receive a timely review of the disputed issues; and pursuant to Utah law, the Midway City Council finds it appropriate and in the public interest to adjust the composition of the Midway City Building Code Board of Appeals to increase its efficiency and effectiveness.

BACKGROUND:

The Midway Municipal Code defines the terms of office for members of advisory committees such as Planning Commission, Board of Adjustment, Parks and Trails and Trees, Vision Architectural Committee, Open Space Committee, Building Code Board of Appeals and Historic Preservation Committee.

In a small city such as Midway, keeping full membership on committees is often a challenge. Because of this, the City Council recently did away with term limits for the Board of Adjustment, which was particularly helpful given the level of training required to serve on this particular committee and the fact that it convenes so infrequently.

The Open Space Committee, like the Board of Adjustment, requires specific training, knowledge, and expertise, which we hate to lose when members leave, and to date we have never had a waiting list of people interested in serving on this committee.

Requested Code Amendment:

Section 12.13.020 of the Midway City Municipal Code is amended as follows:

The Midway City Building Code Board Of Appeals shall consist of three (3) members and one (1) alternate member, each appointed by the Mayor with the advice and consent of the City Council. Board members shall have experience and training in matters of building construction and shall not be employees of Midway City. Board members shall serve four-year terms with no limit on the number of terms served. The Midway City Building Official shall be an additional ex officio member of the Board but shall have no vote on any matter before the Board. Terms shall begin on the day of official approval by the Midway City Council.

This Ordinance shall take effect 20 days after publication or posting or 30 days after final passage by the governing body, whichever is closer to the date of final passage.

Below is a list of the entire membership of the Midway City Building Code Board Of Appeals:

Name	Terms	Appointment	Term Ends
Garrett Strong	3	11/17/2026	11/17/2030
Robert McDonald	3	11/17/2026	11/17/2030
Spencer Park	1	11/17/2026	11/17/2030
Bill Probst (Alternate)	X	11/17/2026	

POSSIBLE FINDINGS:

1. Utah State Code gives discretion to the City Council to determine procedures for how the City Committees operate, including items such as term limits.
2. Due to the specialized knowledge, training and experience required to serve on the Board, maintaining qualified membership can be challenging in a smaller municipality, like Midway City.
3. Eliminating term limits will allow experienced and knowledgeable board members to continue serving, providing consistency and continuity in the interpretation and application of building codes.
4. The proposed amendment will provide greater flexibility in board appointments while maintaining the requirement that members be appointed by the Mayor with the advice and consent of the City Council.

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

PROPOSED CONDITIONS:

None

Midway

ORDINANCE
2026-28

AN ORDINANCE AMENDING SECTION 12.13.020 OF THE MIDWAY CITY MUNICIPAL CODE REGARDING THE COMPOSITION AND TERMS OF THE BUILDING BOARD

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Section 12.13.020 of the Midway City Municipal Code establishes the composition and terms of the Building Board; and

WHEREAS, the Midway City Council desires to provide for an alternate member, remove the limitation on consecutive terms, and clarify when Board members' terms begin; and

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

Section 12.13.020 of the Midway City Municipal Code is hereby amended to read in its entirety as follows:

12.13.020 Composition of Board

The Board shall consist of three (3) members and one (1) alternate member, each appointed by the Mayor with the advice and consent of the City Council. Board members shall have experience and training in matters of building construction and shall not be employees of Midway City. Board members shall serve four-year terms with no limit on the number of terms served. The Midway City Building Official shall be an additional ex officio member of the Board but shall have no vote on any matter before the Board. Terms shall begin on the day of official approval by the Midway City Council.

This ordinance shall take effect upon publication as required by law.

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

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

APPROVED:

_____
Craig Simons, Mayor

ATTEST:

_____
Brad Wilson, City Recorder

APPROVED AS TO FORM:

_____
Corbin Gordon, City Attorney

(SEAL)