



Memo

Date: 7 April 2025

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 18 March 2025 City Council Regular Meeting

Please note that the following minutes await formal approval and are in draft or unapproved form.

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Tuesday, 18 March 2025, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah

Note: Notices/agendas were posted at 7-Eleven, The Market Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the Mayor, 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 on the City's website. A copy of the public notice/agenda is contained in the supplemental file for the meeting.

1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message

Mayor Johnson called the meeting to order at 6:14 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

Staff Present

Michael Henke, City Planning Director
Wes Johnson, City Engineer
Katie Villani, City Planner
Brad Wilson, City Recorder

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

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

2. Consent Agenda

- a. Agenda for the 18 March 2025 City Council Meeting
- b. Warrants
- c. Minutes of the 4 March 2025 City Council Meeting
- d. Conclude the warranty period and release the remainder of the bond for The Farm at Wilson Lane, located at Canyon View Road and Wilson Court, subject to the payment of all fees due to Midway City.
- e. Appoint Stefani Sanatar as a full member of the Midway City Open Space Advisory Committee.
- f. Appoint Angie Richardson as a full member of the Midway City Parks, Trails, and Trees Advisory Committee.
- g. Appoint Camie Hardy as member of the Midway City Historic Preservation Committee.

- h. Deny the cottage industry business license and conditional use permit request by Bryan Haslam, for 295 West Killowen Drive, for failure to pursue the application within six months and the use is not permitted by the Midway Municipal Code.
- i. Deny the conditional use permit request by Wayne Gordon for the former Daybell Garage, located at 298 South Center Street, for failure to pursue the application within six months.
- j. Ordinance 2025-09 amending the time and place of the regular meetings of the Midway City Council.

Note: Copies of items 2a through 2h and item 2j are contained in the supplemental file for the meeting.

Katie Villani introduced Stefani Sanatar and Angie Richardson.

Michael Henke made the following comments regarding items 2h and 2i:

- Conditional use applications now expired after six months of inactivity.
- The requests by Mr. Haslam and Mr. Gordon were both two years old and neither item had been on an agenda for more than six months.
- Mr. Haslam's request did not meet the current Municipal Code and he could not reapply. He built a structure but not a house on his lot.
- Mr. Gordon's request faced code challenges like drive-up windows.
- The current Code prohibited manufacturing in residential zones.
- The previous code required a residence for a cottage industry.
- Neither applicant had requested to be on an agenda for more than six months.

Motion: Council Member Simons moved to approve the consent agenda items 2a through 2j and welcomed Ms. Sanatar, Ms. Richardson, and Ms. Hardy and thank them for serving.

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

3. Public Comment – Comments were taken for items not on the agenda.

Mayor Johnson asked if there were any comments from the public about items not on the agenda. No comments were offered.

4. Department Reports

Heber City Police Department / Easter Egg Hunt / Fraud Prevention / Vehicle Burglaries

Branden Russell, Heber City Deputy Police Chief, reported that the Department would hold an easter egg hunt. He also reported on fraud prevention and an increase in vehicle burglaries.

Ice Rink / Closure

Council Member Drury reported that the ice rink would close soon depending upon the weather.

Midway Boosters / Beautification

Council Member Drury reported that the Midway Boosters were preparing for the city beautification to be held with Founders' Day.

Main Street / Lights

Wes Johnson reported that 22 decorative streetlights would be installed along Main Street from 200 to 300 East.

HL&P / Rate Increases / Impact Fees

Council Member Payne reported on recent and future rate increases by the Heber Light & Power Company (HL&P). He added that increasing HL&P's impact fee might reduce the future rate increases.

Open Space Open House

Mayor Johnson reported that the recent open house regarding open space was a success.

HVRR / Rolling Stock / Lawsuit / Train Length

Mayor Johnson reported that the Heber Valley Railroad was improving its rail cars, selling old rolling stock, was dealing with a lawsuit from a private landowner, and wanted to increase the length of its trains, especially for the Polar Express.

HVSSD / Improvements / Lawsuit / Treatment Capacity

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) was working on improvements and dealing with a lawsuit.

Mayor Johnson indicated that the City Attorney was still researching a development moratorium based on HVSSD capping the capacity of its sewer treatment facility.

MSD / GIS System

Mayor Johnson reported that the Midway Sanitation District was doing well and was implementing a geographic information system (GIS) for its infrastructure.

Caring Coalition / Vaping

Mayor Johnson reported that the Wasatch County Caring Coalition was working on reducing youth vaping.

Legislative Update

Katie Villani reported on possible changes to the tax-exempt status of municipal bonds and Utah Senate Bill 356.

5. HVTED / Presentation (Dallin Koecher – Approximately 15 minutes) – Receive a presentation from Heber Valley Tourism and Economic Development (HVTED).

Dallen Koecher, Executive Director, and Jessica Broadhead, Deputy Director, of HVTED gave an annual report for the organization and reviewed the following items:

- Staff members
- Budget
- Tourism advisory board
- Grant application process
- Impact and benefits
- Website
- Distribution channels
- Outside digital campaign
- “The Road Less Eaten”
- Outside creative campaign
- Social media
- Restaurant tax collection
- Room tax collection
- Occupancy rate
- Average daily room rate
- Supply and demand
- MIDA
- Economic impact
- Community savings
- Small business growth
- Heber Valley hedgehog concept
- Chamber of commerce
- “Tourism Matters”

Note: A copy of HVTED’s annual report is contained in the supplemental file for the meeting.

6. North Center Street Trail / Update (City Engineer – Approximately 10 minutes) – Receive and update and discuss the trail along the north section of Center Street.

Wes Johnson gave a presentation regarding the trail along north Center Street and reviewed the following items:

- Open house
- Mailer

Mr. Johnson also made the following comments:

- The contract for the project had been awarded.
- The power lines would be buried from Main Street to 600 North. HL&P was authorized to begin design work.
- Traffic control for the project would be difficult.

7. Ordinance 2025-06 / Church Steeples (City Planner – Approximately 45 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-06 amending Section 16.13.100 (Maximum Height Provisions for All Buildings) of the Midway City Municipal Code regarding church steeples. Recommended for approval by the Midway City Planning Commission. **Public Hearing**

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

- Current code
- History
- Applicant's explanation
- Steeple to building ratio
- Proposed code
- Existing steeple heights in Midway
- Elevations and pictures of existing churches
- Proposed Burgi Lane church site plan
- Criteria added by the Planning Commission
- Planning commission recommendation
- General Plan
- Setbacks
- Possible findings

Mr. Henke also made the following comments:

- Churches were a permitted use and should be allowed in residential zones.
- Received several letters regarding the ordinance.

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

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

- There was a ten-foot setback in the commercial zone.
- The City wanted the Town Hall to be the tallest building in Midway except for the resort zone.
- The proposed size ratio met the requirements of the applicant.
- A requirement for a gradual tapering effect could be added.

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.

Mike Davies, representing the applicant, liked the steeple proportions with a twelve-foot base.

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

- Some residents did not want steeples to block their views.
- The proposed width and depth of 15 feet was too large.
- Steeples in countries like Australia had a one-to-one height versus width ratio.
- Other portions of the Municipal Code allowed increased height for structures based on their distance from the property line. Steeples could use the same principle which would increase consistency.
- Some restrictions would force churches to be parallel to the road with a parking lot in between. Churches perpendicular to the road with landscaping in between were preferable. This could be facilitated by shorter setbacks. Parking could also be prohibited and landscaping required between the church and the road.
- Setbacks varied between zones. Any setback requirements for steeples would require a change to each zone.
- What was the front of a church would have to be defined.
- The scale of the church or structure needed to be considered. A small building should not have to have a large setback.

Motion: Council Member Drury moved to continue the item with staff proposing language to maintain the consistency of the graduated height that was in other sections of the Municipal Code.

Discussion: Council Member Payne made the following comments:

- A 15-foot base was too wide. Ten feet would work better. Twelve feet might work.
- Steeples should be tapered.
- Preferred landscaping rather than parking in front of a church.

Second: Council Member Simons seconded the motion.

Discussion: Mr. Davies made the following comments:

- Was concerned about a setback requirement.

- Churches typically had a 25-to-50-foot setback.
- Smaller buildings should not have large setbacks.
- Some restrictions could make a parcel unusable.
- Some of the suggestions were more restrictive than in other municipalities.
- Did not want to tie the hands of designers.
- A ten-foot width was too small, but twelve feet might work.
- The ordinance should provide design latitude.

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

8. Resolution 2025-08 / FY 2025 Budget Amendment (Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-08 amending the FY 2025 Budget for Midway City. **Public Hearing**

Nancy Simons asked if there were any questions regarding the proposed amendment. There were no questions.

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 approve Resolution 2025-08 amending the FY 2025 Budget.

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: Without objection, Mayor Johnson recessed the meeting at 8:28 p.m. She reconvened the meeting at 8:40 p.m.

9. LaBarge Subdivision / Final Approval Extension (Michael LeBarge – Approximately 10 minutes) – Discuss and possibly deny, continue, or grant an extension of final approval for the LaBarge Subdivision located at 922 North Pine Canyon Road (Zoning is R-1-5 and R-1-22).

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

- History of the development
- Location of the development

Mr. Henke also made the following comments:

- A 90-day extension had been granted previously. The plat map would not be recorded by the deadline.
- Another extension was being requested.
- The Municipal Code did not address what would happen to a development if the infrastructure was installed but the final approval was not extended, or the plat map was not recorded.
- An extension of up to nine months could be granted.

Wes Johnson reported that 95% of the infrastructure was installed.

Micheal LeBarge, applicant, made the following comments:

- Had been working for four months with his engineer to complete the project. Did not know how to speed up the process short of a lawsuit.
- Requested another 90-day extension.

Motion: Council Member Simons moved to approve an extension of the LaBarge Subdivision for another six months.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Drury indicated that he would vote for the extension but had been made aware of delinquent taxes on other properties seeking approvals or extensions. He clarified that was not the case for the property being discussed that evening and asked that staff check the County's tax roll when reviewing applications.

Council Member Payne recommended that the Municipal Code be amended to address the issue of taxes. Mr. Henke responded that the Council had broad discretion to address the issue.

Mr. Henke noted that the extension was for six months, but nine months was allowed. He suggested that the motion be amended to allow a future extension of three months. Council Member Orme recommended that the motion grant the full nine months.

Amended Motion: Council Member Simons amended his motion to approve an extension of the LaBarge Subdivision for another nine months.

Second: Council Member Orme seconded the amended 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

Katie Villani asked if the Council wanted a code text amendment or to be notified of any tax delinquency. Mayor Johnson suggested a notification.

10. Cottage Creek PUD / Water Line Assumption Agreement (City Planner – Approximately 30 minutes) – Discuss adopting a water line assumption agreement, between Midway City and the Cottage Creek Homeowners Association, for the Cottage Creek PUD located at approximately 400 North Pine Canyon Road.

Katie Villani gave a presentation regarding the proposed agreement and reviewed the following items:

- Overview
- History
- Private water systems in Midway
- Cottage Creek PUD plat map
- Cottage Creek water billing compared to typical users
- Committee meeting
- Bid for 1.5-inch meters
- Discussion items

Ms. Villani also made the following comments:

- Some developments in Midway had private water systems.
- The Cottage Creek PUD HOA applied for the City to take over its water system. They were unable to insure their fire hydrants.
- There were state regulations for independent water systems. The State of Utah preferred that local governments took over these systems.
- The City no longer allowed private water systems.
- Water meters would be installed for each building rather than for each unit.
- The cost for the water meters was close to the amount that had not been paid by the HOA compared to typical users.

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

Wes Johnson reviewed the installation costs for the water meters. He also made the following comments:

- The current laterals in the development went under each building and then divided off to each unit.

- The HOA would divide the bill for each building among the units if the City approved the agreement.
- Irrigation water would be used for landscaping.
- The City would be responsible for the system up to and including the new meters.
- The system would probably need to be replaced in 15 years.
- The current policy regarding water leaks on the HOA's side of the meter would apply to Cottage Creek.

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

- Overage should also be paid.
- Seven owners in the development were part-time.
- The arrangement with Cottage Creek was designed to be used for other developments.
- The HOA had been fair and good to work with.

The Council asked the City Attorney to prepare an agreement and present it for approval.

11. Ordinance 2025-07 / Board of Adjustment Procedures (City Planner – Approximately 15 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-07 amending Chapter 2.05 (Board of Adjustment) regarding procedures for the Midway City Board of Adjustment.

Katie Villani gave a presentation regarding the request and reviewed the following items:

- Procedures for the Board of Adjustment
- Proposed changes
- Variance requirements
- Possible findings

Ms. Villani also made the following comments:

- The chapter of the Municipal Code regarding the Board of Adjustment needed to be improved.
- An applicant could apply at any time so the existing time limits should be removed.
- Doubted that the Council could act as the Board but would confirm that.
- References to public hearings would be changed to public meetings. The Board could not consider public comment in its decisions.

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

Michael Henke indicated that only two variances were granted by the Board in the last 15 years.

Motion: Council Member Simons moved to adopt Ordinance 2025-07, amending Chapter 2.05 (Board of Adjustment) regarding procedures for the Midway City Board of Adjustment, as explained with the following findings:

- Variances were the only items heard by the Board of Adjustment.

- Appeals were heard by the Midway City Council. Removing the appeal language from Chapter 2.5 dealing with variances would reduce potential confusion regarding the scope of authority of the Board of Adjustment.
- State Code gave discretion to the City Council to determine procedures for how the Board of Adjustment operated, including items such as term limits.
- Longer term limits, or removal of term limits, would assist the City in retaining volunteers to serve on the Board of Adjustment and maximize the training opportunities for an institutional knowledge of members. The City Council could revisit the question of term limits if interest in serving on the Board of Adjustment increased.

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. Ice Rink Improvements and Activity Building (Mayor Johnson – Approximately 15 minutes) – Discuss and possibly make a motion to move forward with improvements to the Midway City Ice Rink and/or constructing an activity building on the Town Square located at 150 West Main Street.

The Council, staff, and meeting attendees discussed the following items regarding the improvements and activity building:

- Could the building and even the improvements be completed that year?
- There was not a consensus among the council members regarding the projects.
- A decision needed to be made within three weeks.
- Replacing and moving the ice sheet was not a significant issue.
- There was no consensus on constructing the activity building even with the associated grant.
- Plans for the activity building were not finished. The plans were needed to determine the cost and have an accurate bid.
- The Council did not need more details to make a decision.
- The footprint of the building should be staked out on the Town Square. This would allow the Council to see its size and closeness to the ice sheet.
- Was the building large enough? Would it meet the City's needs? Could it have a basement? Should it have a direct access to the Community Center?
- The existing buildings on the Town Square were booked for the year and additional space was needed.
- The activity building could not meet everyone's needs.
- The cost of the building was the most significant question.
- Should the Council meet again with the architect for the building?
- The dimensions of the building were needed especially to determine if the sheet needed

to be moved.

- The contractor should be at the next meeting to discuss the building.
- The layout of the building should be shown with chairs and tables to provide scale.
- Would an elevator or ramp be needed if the skates were stored in a basement?

Mayor Johnson indicated that she would set up another council meeting with the architect.

Motion: Council Member Drury moved to continue the item.

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

13. TAP Tax / Award (Mayor Johnson – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve awarding Trails, Arts, and Parks (TAP) tax revenue to an applicant.

Council Member Simons indicated that he would recuse himself from consideration of the award.

Motion: Council Member Orme moved to award \$16,000 to the wood carving event.

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	Recused
Council Member Simonsen	Aye

Council Member Simons, who was one of the event organizers, thanked the Council and Camille Palmer for the award. He indicated that the event would be held in May to help local businesses.

14. Todd Properties / Possible Annexation (Michelle Todd – Approximately 20 minutes) –
Discuss a possible annexation of the properties owned by the Todd family beginning at 639 South Center Street.

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

- Location
- Current annexation process
- Land use summary
- City boundary
- Parcel map
- White property
- Pictures
- Building envelope
- View corridor
- Potential site plan

Mr. Henke also made the following comments:

- The annexation process now included a noticing component before a petition when to the Council for further consideration.
- Three of the original four lots were owned by Michelle Todd. The other lot was owned by a family member.
- Wasatch County required that the original parcel, which included the four lots, be restored for Ms. Todd to legally build a new house on her lots. She wanted to annex her lots to avoid this requirement.
- The existing house was connected to the City's water system.
- The City could work with Ms. Todd and preserve a view corridor to the White property which would be preserved as open space. This would require a building envelope.
- The County would only allow maintenance on the existing house. It would not allow a new house on the property.
- The value of the property would increase significantly if it was annexed.
- The Council could require that the existing house be razed, and certain trees be removed.

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

Ms. Todd made the following comments:

- Wanted a future house to be at the same location as the existing one because that was where the utilities were located.
- Her sister owned the fourth lot. The sister incorrectly thought that she could build on it.
- There was a property line discrepancy with the White property.
- It would cost more to build a house further north because the utilities would have to be relocated.
- Spent many years at the property.
- Thought that the family had four building lots.
- She could not use the property that she owned.

- Hired an attorney and went to the Utah Property Rights Ombudsman.
- Wanted a path forward.
- Would consider building a new house further north if someone else paid the cost to relocate the utilities, but noted that a large hole had been dug for a pond on that part of the property.
- Did not care if the trees on the south part of the property were removed to allow a view corridor.

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

- It might cost \$20,000 to \$30,000 to move the utilities.
- There should be a building envelope on the property.
- Midway was very particular about annexations and wanted them to benefit the community.

The City Council expressed interest in the annexation.

15. Adjournment

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

The meeting was adjourned at 10:14 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder