



Memo

Date: 1 May 2025

To:

Cc:

From: Brad Wilson, City Recorder

RE: Minutes of the 15 April 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, 15 April 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 6:08 p.m. She excused Council Member Orme.

Members Present

Celeste Johnson, Mayor
Jeff Drury, Council Member
Kevin Payne, Council Member (Participated electronically)
Craig Simons, Council Member
JC Simonsen, Council Member

Staff Present

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

Members Excused

Lisa Orme, Council Member

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 Drury gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 15 April 2025 City Council Meeting
- b. Warrants
- c. Minutes of the 18 March 2025 City Council Work Meeting
- d. Minutes of the 18 March 2025 City Council Regular Meeting
- e. Minutes of the 24 March 2025 City Council Meeting
- f. Appoint Craig Knight as a full member of the Midway City Planning Commission

Note: Copies of items 2a through 2f are contained in the supplemental file for the meeting.

Mayor Johnson read the consent agenda.

Motion: Council Member Simonsen moved to approve the consent agenda as stated.

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	Excused from the Meeting
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 for items not on the agenda. No comments were offered.

4. Department Reports

Vehicle Burglaries and Thefts

Branden Russell, Heber City Deputy Police Chief, reported that recent vehicle burglaries and thefts were a focus. He noted that two individuals related to the crimes had been arrested.

Mobile Command Center

Deputy Chief Russell reported that the Heber City Police Department purchased a mobile command center.

Animal Services / Budget / New Vehicle / Fees / Facility

Council Member Simonsen reported on the following items regarding Heber Valley Animal Services:

- Its budget would be similar to that of the prior year.
- A new vehicle would be purchased.
- Its fee schedule was being reviewed.
- It was outgrowing its facility and was considering options.

Parks Committee / Budget

Council Member Simonsen reported that the Parks, Trails, and Trees Committee recommended a \$40,000 parks and trails budget for FY 2026.

Burgi Hill Park / Staging Area

Council Member Simonsen reported on the staging area for work at the Burgi Hill Park.

Trails / Markers

Katie Villani reported that the City received the markers for its trails. She added that a consensus had been reached on what would be on the markers. She reviewed challenges with adding QR codes. Council Member Simonsen responded that he could help with the codes.

North Center Street Trail / Commencement

Council Member Simonsen reported that work had commenced on the trail along the north section of Center Street.

Safety Grant / Reapplication

Council Member Simonsen reported that the City would reapply for a traffic safety grant.

Historic Preservation Committee / Oral Histories Open House / Historic Markers

Council Member Simons reported that the Historic Preservation Committee continued its oral histories with an open house. He added that markers were being installed at certain historic buildings. He thanked Camille Palmer for her work with the Committee.

HVSSD / Treatment Plant Smell / Dredging & Improvements

Council Member Simonsen indicated that the Heber Valley Special Service District's sewer treatment plant smelled again. Mayor Johnson responded with the following comments:

- The sewer ponds were "turning over".
- The District increased the amount of an agent that it put in the ponds to control odor.
- Doubt that the odor would last for long.
- The ponds would be dredged beginning that fall.
- Other improvements would be made to the plant.

Safe Kids Fair

Mayor Johnson reported that a safe kids fair would be held on May 5th.

HVRR / Locals' Discount

Mayor Johnson reported that residents could get one half off Heber Valley Railroad ticket prices except for the Polar Express.

Michie Lane / Speed Bumps

Council Member Drury reported that a resident requested temporary speed bumps for the area on Michie Lane by the elementary school. Wes Johnson responded that they could not be put inside a school zone. Council Member Drury responded that there was not a formal school zone with lights on the road.

Legislative / HB 368

Katie Villani reported on House Bill 368 from the recent state legislative session.

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

Land Use

Michael Henke gave a presentation on the Burgi Lane Church Subdivision and reviewed the following items:

- Land use summary
- Location of the development
- Site plan

He indicated that it met the requirements of the Municipal Code. He added that a building permit could be issued after the plat map was recorded.

Open Space Bonds / Arbitrage

Brad Wilson gave a presentation on the open space bonds issued in 2020 and reviewed the following items:

- Restrictions and reporting requirements on excess earnings
- Hiring a consultant to determine the excess earnings
- Investment options to reduce earnings
- State and Local Government Series (SLGS) securities

Council Member Simonsen requested an estimate of excess earnings before deciding if a consultant should be hired.

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

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

- Donations in 2024
- Recipients that provided a summary of how their donations were used.

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:

- Less was awarded to the Children's Justice Center because the City had also donated to the organization in other ways.
- Recipients that provided a summary should again receive donations.

Motion: Council Member Simons moved to take the \$30,000 previously awarded and split it among the five recipients that responded with summaries.

Second: Council Member Drury seconded the motion.

Discussion: Council Member Simonsen requested that the item be continued because no information was provided prior to the meeting.

Council Member Payne asked if anyone reached out to the recipients regarding the summary. Mayor Johnson responded that Camille Palmer contacted them on March 12th with the deadline for the summaries being April 8th.

Paul Berg indicated that continuing the item could affect scholarships awarded by one of the recipients.

Mayor Johnson suggested the following three options:

- Awarding the same amounts as the previous year except for those who did not respond with a summary. Give additional time for the summaries to be submitted. Award the same amount to those who then submitted a summary. The remaining funds for those that did not submit be distributed among those who did.
- Approve the motion as stated.
- Continue the item.

Council Member Simons asked what would happen to any funds not donated. Mayor Johnson responded that the funds could be reallocated in the budget.

Amended Motion: Council Member Simons moved to offer \$4,000 each to the five previous recipients, who had returned summaries, while holding back the balance for 30 days to give the other previous recipients a chance to respond.

Second: Council Member Drury seconded the amended motion.

Discussion: Katie Villani noted that the motion would raise the donation to the Children's Justice Center to \$4,000.

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

Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

6. Ordinance 2025-06 / Church Steeples and Parking (City Planner – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-06 amending Section 16.13.100 (Maximum Height Provisions for All Buildings) and Section 16.13.390 (Off-Street Parking and Loading) of the Midway City Municipal Code regarding steeples and parking for churches. Recommended for approval by the Midway City Planning Commission.

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

- Current code
- Code proposed by the applicant with some changes
- Code with changes proposed by the Council
- Pictures of churches parallel and perpendicular to roads
- Commercial zone
- Tapering steeples
- Pictures of churches for denominations other than The Church of Jesus Christ of Latter-day Saints.

Mr. Henke also made the following comments:

- Consideration of the ordinance was continued from the previous meeting.
- The ordinance would only apply to steeples and not to other structures.
- The tapering could be changed from the top one third of the steeple to the top one half.

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

Mike Davies, BHD Architects and representing the applicants, made the following comments:

- Not all corner lots were nice and square.
- Was concerned with mandating that a church had to be front facing.
- Did not want the ordinance to be too restrictive.
- Would a cross be considered a steeple?

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

- Which side of a corner lot would be considered as the front should be defined. Not all

- corner lots were equal.
- The orientation of a church did not matter as much because they were usually surrounded by parking.
- What was a steeple was up for interpretation.

Motion: Council Member Drury moved to approve Ordinance 2025-06, regarding church steeples and parking, accepting the following changes:

- The option with the setback determining the height of the steeple.
- The code changes as presented in red.
- The language regarding parking.

Second: Council Member Simons seconded the motion.

Discussion: Council Member Payne asked if tapering should be for the top one half of a steeple. Council Member Drury responded that the currently proposed language was less restrictive. Council Member Payne worried that the language would allow a twelve-foot wide and 58-foot-tall steeple that only tapered the last twelve feet. Council Member Simons wondered why a squat steeple was a problem. Council Member Simonsen was concerned about a tall steeple with only a small portion being tapered. Michael Henke responded that the Code could always be changed in the future if needed. Council Member Simonsen suggested tapering from 45 feet above grade or the top third of the steeple.

Council Member Drury did not amend his motion.

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

Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Nay

Council Member Simonsen asked that the City address the issues raised before another application was received.

7. Michel Subdivision / Approval of Driveways (Berg Engineering – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve the driveways for the Michel Subdivision located at 1050 North River Road.

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

- A small-scale subdivision application had been submitted to Wasatch County for the property.
- A legal settlement necessitated the application.
- The subdivision would be built if the property was not conserved as open space.
- Council approval was required for the subdivision to access River Road which was a Midway City collector road.

- The driveway for Lot #4 should line up with the entrance to Dutch Fields. The driveway for Lot #5 could be further to the east. The two lots could share a driveway.
- Up to 23 lots were allowed on the property.
- The development request was a way to settle a lawsuit.
- The driveways would be designed so drivers would not have to back out onto River Road.

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

- Land use summary
- Location of the development
- Site plan
- Recommendations

Mr. Henke also made the following comments:

- The City had to plan for all phases of the subdivision being recorded and built.
- Hoped that the second phase would be preserved as open space and not developed.

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:

- Two of the lots might share a driveway.
- A drawing of the driveway locations should have been provided to the Council.
- A subdivision was not discussed when the City agreed to help fund the open space.
- A conservation easement would not be recorded if the development was recorded.
- The City would only contribute funds if a conservation easement was recorded.
- Collector roads should have as few driveways as possible.
- A shared driveway was preferred but separate driveways for Lot #4 and Lot #5 were acceptable.
- The existing lot and four additional lots were better than 23 lots.

Motion: Council Member Drury moved to approve driveways for the Michel Subdivision with the following conditions:

- The existing driveway and three additional driveways were allowed.
- Lots 4 and 5 would share a driveway. This would eliminate one of the driveway access points to River Road. Midway City had required this in other developments such as the Midway Highlands on Homestead Drive where six lots all shared driveways.
- A fourth additional driveway could be approved by the Midway City Planning Department if a plan showing the location of the driveways was provided and it was shown that they provided safe access.
- Turnarounds were required for each driveway so that no vehicles would back onto River Road. The lots were all large with the smallest being 6.8 acres. Turnarounds could easily be accommodated on each of these lots.
- This approval would be void if the plat map for the Subdivision was not recorded.

Second: Council Member Simons seconded the motion.

Discussion: Wendy Fisher, Utah Open Lands Executive Director, emphasized that the applicants could either preserve the property as open space or develop it but could not do both.

Mr. Berg indicated that the open area could be accessed through the existing lots.

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

Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 8:39 p.m. She reconvened the meeting at 8:50 p.m.

8. Lundin Property / Extension (City Attorney – Approximately 30 minutes) – Discuss and possibly deny, continue, or extend a motion approving the use of Midway open space bond funds for the Lundin property located at approximately 900 West Bigler Lane.

Wendy Fisher made the following comments regarding the requested extension:

- A purchase and sales agreement was previously drafted.
- A previous deadline was missed but extended to April 30th.
- Substantial progress had been made but all the issues would not be resolved by the 30th.
- A lawsuit by Robert Fuller was dismissed. The judge stated that the conservation easement would not trigger Mr. Fuller's first right of refusal.
- Changes to the purchase agreement were needed, which would take time.
- Requested an extension until the end of June.
- Wasatch County confirmed its funding for the project.
- Did not know if the Lundin family understood that collateral would still be needed. There might be other ways to move forward on this issue.
- Had submitted a request to the NRCS and funds were approved. Some but not all those funds were frozen. One of the family members did not want to submit some information required for the funding.

Corbin Gordon made the following comments:

- Would verify that the appeal period for the Fuller lawsuit had expired.
- The biggest issues with the preservation project were resolved.

Motion: Council Member Drury moved to grant an extension of the open space funds for the Lundin property through 1 July 2025 with the following findings and conditions:

Findings:

1. This project and funding request remained consistent with the vision of the Open Space Element of the General Plan.
2. The committed funds from Wasatch County and from other potential sources would maximize Midway's contribution through leveraging and would help continue an important agricultural operation.
3. The project was visible from much of Midway and from many areas of the Heber Valley.
4. Preservation of the Lundin farm would keep valuable agricultural land as open space, and the farm would continue to provide agricultural products to the community.
5. Extending the May 15, 2024, deadlines set forth in the January 16, 2024, motions through December 31, 2024, would not cause unreasonable delay but would allow the parties time to complete the conditions precedent, including finalizing the purchase agreement for the conservation easement.
6. 40 unencumbered Midway Irrigation Shares would be encumbered by the Conservation Easement and remain with the Property, which County records represented covered the historic irrigation and livestock watering uses on the Property as well as expected future water use associated with the conservation easement. The Lundins did not disagree with this statement.
7. An additional 10 Midway Irrigation Shares (the 40 shares encumbered with the Conservation Easement plus 10 additional shares for a total of 50 Midway Irrigation Shares) would be escrowed or otherwise encumbered to the satisfaction of the City of Midway and Wasatch County as security for their respective Open Space Bond Fund grants pending recordation of the Conservation Easement. These shares would be free and clear of encumbrances and would not be used as security for other investors.
8. The grant of Open Space funds was conditioned upon a conservation easement including emergency access/wildfire evacuation route and public trail in conjunction with an agricultural access road across the Lundin property.
9. The parties' Preferred Route would access the Lundin property from the South near the Sunburst Phase 3 development(*) and follow the Probst Ditch northward to the northern boundary of the Lundin Property, continue northward along the Probst Ditch on property owned by Swiss Oaks, and exit Swiss Oaks to Lime Canyon Road across Swiss Oaks or other property to the North of the Property, which route required easements across property not owned or controlled by the Lundins.
10. Given the above, the City required and the Lundins proposed an alternative ("Northern Default Route") in the event the Preferred Route was not feasible. The Northern Default

Route would follow the same route as the Preferred Route until it reached at or about the intersection of the Probst Ditch with the northern boundary of the Property, at which point it would run generally eastward along the Northern boundary of the Property from the Probst Ditch to the West Bench Ditch to Lime Canyon Road. The parties agree in good faith to continue working with landowners to the north and south of the Property to effectuate Seller's Preferred Route. The Northern Default Route would be the default option in the event that easements along the Probst Ditch and exiting to Lime Canyon Road through properties north of the Property could not be accommodated through agreement(s) or other regulatory means. (*)

11. (*) The preferred southern access for both the Preferred and Default Northern route would access the Lundin property from the south near Sunburst Phase 3 on Swiss Alpine Road, however the parties recognize that this would involve easements from other landowners which have not been granted.
12. There was currently southern access to the Lundin Property along the northern bend of Lucerne Drive. The Lundins agreed to provide access across their Property for emergency access/wildfire evacuation and trail from either southern access (Sunburst Phase 3 (Preferred) and/or Lucerne Drive (Default)), understanding that it might take time to determine if access was feasible through Sunburst Phase 3 and to obtain required easements.
13. The parties would work in good faith to obtain access through Sunburst Phase 3, but until or unless such access was acquired on terms acceptable to the parties, would continue to accommodate access from Lucerne Drive. Once the City built the access and trail on one of these southern accesses (Sunburst Phase 3 (preferred) or Lucerne Drive (default)), it would abandon any claim to the other southern access.
14. The parties would work together cooperatively to identify, determine, and pursue solutions that could provide for the Preferred Route and preferred southern access complying with applicable laws and regulations, budget and engineering constraints, and required easements prior to a conservation easement being recorded.
15. The parties would cooperate in grant and other funding applications/requests as may be applicable.
16. The Lundins would allow the City and its agents reasonable access to the property to determine and confirm feasibility of access routes.
17. The Lundins advised they needed access to Open Space Bond funds by December 15, which did not allow time to obtain a decision on easement and feasibility of easement across Swiss Oaks.
18. Because the Lundins' deadline of December 15 did not allow time to obtain a necessary

northern easement for the preferred route, a default route remained necessary.

19. The City made accommodation for the Lundins by letting the Lundins define the default plan of their choosing and moving away from a road, both of which deviated from the City's Master Plan.
20. The Northern Default Route as defined would remain part of any agreement until and unless the City obtained the necessary easements across Swiss Oaks. Once the City had such guarantee, it would release the Lundins from the Northern Default Route insofar as the route crossed the northern boundary of the Lundin property.
21. The southern routes (preferred and default) would survive.
22. Midway City was willing to accept the Northern Default Route proposed by the Lundins in place of the road set forth in the City Master Plan, provided that the actual emergency access/evacuation route consistent with the foregoing was specified in the conservation easement.
23. A public trail and firebreak across the Lundin property would benefit residents and was a condition of approval. The parties preferred a location following the Preferred Route for the emergency access/evacuation route. Wildlife friendly fencing would be constructed along any portions used as a trail at the expense of the City. The Lundins agreed to cooperate with the City in applying for any applicable grants or other funding. Wasatch County agreed to provide in-kind assistance with building the emergency access/evacuation route and trail.

Proposed Conditions:

1. 40 unencumbered Midway Irrigation Shares would be encumbered by the Conservation Easement and remain with the Property, which County records represented cover the historic irrigation and livestock watering uses on the Property as well as expected future water use associated with the conservation easement. The Lundins did not disagree with this statement.
2. An additional 10 shares of Midway Irrigation (the 40 shares encumbered with the Conservation Easement and remaining with the Property plus 10 additional shares for a total of 50 Midway Irrigation Shares) would be escrowed or otherwise secured to the satisfaction of the City of Midway and Wasatch County as security for their respective Open Space Bond Fund grants pending recordation of the Conservation Easement. These shares would be free and clear of prior encumbrances and not be used as security for other investors.
3. The grant of Open Space funds was conditioned upon a Conservation Easement including emergency access/wildfire evacuation route and public trail in conjunction with

an agricultural access road across the Lundin Property.

4. The emergency access/evacuation route and trail would follow one of the following routes:
 - (a) The parties' Preferred Route would access the Lundin property from the South near the Sunburst Phase 3 development(*) and follow the Probst Ditch northward to the northern boundary of the Lundin Property, continue northward along the Probst Ditch on property owned by Swiss Oaks, and exit Swiss Oaks to Lime Canyon Road across Swiss Oaks or other property to the North of the Property, which route required easements across property not owned or controlled by the Seller.
 - (b) Given the above, the City required and the Lundins proposed an alternative ("Northern Default Route") in the event the Preferred Route was not feasible. The Northern Default Route would follow the same route as the Preferred Route until it reached at or about the intersection of the Probst Ditch with the northern boundary of the Property, at which point it would run generally eastward along the Northern boundary of the Property from the Probst Ditch to the West Bench Ditch to Lime Canyon Road. The parties agreed in good faith to continue working with landowners to the north and south of the Property to effectuate Seller's Preferred Route. The Northern Default Route would be the default option in the event that easements along the Probst Ditch and exiting to Lime Canyon Road through properties north of the Property could not be accommodated through agreement(s) or other regulatory means. (*)
5. (*) The preferred southern access for both the Preferred and Default Northern route would access the Lundin property from the south near Sunburst Phase 3 on Swiss Alpine Road, however the parties recognized that this would involve easements from other landowners which had not been granted. There was currently southern access to the Lundin Property along the northern bend of Lucerne Drive. The Lundins agree to provide access across their Property for emergency access/wildfire evacuation and trail from either southern access (Sunburst Phase 3 (Preferred) and/or Lucerne Drive (Default)), understanding that it might take time to determine if access was feasible through Sunburst Phase 3 and obtain required easements.
6. The parties would work in good faith to obtain access through Sunburst Phase 3, but until or unless such access was acquired on terms acceptable to the parties, would continue to accommodate access from Lucerne Drive. Once the City built the access and trail on one of these southern accesses (Sunburst Phase 3 (preferred) or Lucerne Drive (default), it would abandon any claim to the other southern access.
7. The parties would work together cooperatively to identify, determine, and pursue solutions that could provide for the Preferred Route and preferred southern access

complying with applicable laws and regulations, budget and engineering constraints, and required easements prior to a conservation easement being recorded.

8. The parties would cooperate in executing documents as well as grant and other funding applications/requests if and as might be applicable.
9. The Lundins would allow the City and its agents reasonable access to the property to determine and confirm feasibility of access routes.
10. Because the Lundins' deadline of December 15 did not allow time to obtain a necessary northern easement for the preferred route, a default route remained necessary.
11. The Northern Default Route as defined would remain part of any agreement until and unless the City obtains the necessary easements across Swiss Oaks. If and when the City had such guarantee, it would release the Lundins from the Northern Default Route insofar as the route crossed the northern boundary of the Lundin property. The southern routes (preferred and default) would survive.
12. While location could not be finalized until the City obtained topography and survey data and engineering review, the City was willing to accept the Northern Default Route proposed by the Lundins in place of the Master Plan Route as default. The parties would continue to work toward the Preferred Route which would hopefully render the default moot.
13. While the City Master Plan called for a paved road meeting City standards, since the road was for emergency access and wildfire evacuation, the road need not be paved, might be soft surface more in keeping with the environment while capable of supporting emergency vehicles. For the Preferred Route, the route would be 20 feet in width as an emergency access and evacuation route, with crash gate(s) and appropriate signage. For the Default Northern Route, the City Council would allow this route to be evacuation only at a width of 10 feet.
14. If construction and/or maintenance of the route impaired existing water lines utilized for current agricultural use, the City would work with the Lundins to relocate or separate such lines.
15. A public trail and firebreak across the Lundin property would benefit residents and was a condition of approval. The parties preferred a location following the Preferred Route for the emergency access/evacuation route. For purposes of the Northern Default Route described in condition 13 above, a public trail would not be included in the Northern Default Route easement running along the Northern edge of the Property. The Northern Default Route did not require fencing. Wildlife friendly fencing would be constructed along any portions used as a trail at the expense of the City. The Lundins agreed to cooperate with the City in applying for any applicable grants or other funding. Wasatch

County had agreed to provide in-kind assistance with building the emergency access/evacuation route and trail.

16. Easements for emergency access/wildfire evacuation and public trail consistent with the findings and conditions set forth above would be described with specificity in the Conservation Easement.
17. For consistency, Midway incorporated by reference any conditions placed by Wasatch County on release of Wasatch County Open Space Bond Funds.
18. The remaining conditions set forth in the June 20, 2023, and January 16, 2024 motions, as set forth below, would be continued while adjusting dates to accommodate the extension through December 31, 2024, where necessary to make the provision relevant.
 - Application submitted to the LeRay McCallister Fund by May 1, 2024,
 - A commitment received from the Lundin family and applicants entered into an agreement with Utah Open Lands committing to sell the development rights for 119 acres of property by May 1, 2024,
 - The contribution continued for a period of three years from June 20, 2023, then an extension would be needed from the City Council,
 - An MOU containing these conditions and identifying the property that was a conservation easement separate and apart from the rest of the family's property prior to any final approval of funding.
 - The form of the conservation easement would comply with the MOU.
19. Staff and the City Attorney should do whatever they could to complete the project.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Drury recommended that the City not issue its second group of bonds until the proceeds from the first group were spent.

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

Council Member Drury	Aye
Council Member Orme	Excused from the Meeting
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

9. Ordinance 2025-10 / Realistic Flame Bulbs (City Planner – Approximately 10 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-10 amending Section 5.02.080 (Outdoor Lighting and Glare) of the Midway City Municipal Code prohibiting realistic flame bulbs.

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

- Current code
- Possible findings

Mr. Henke also made the following comments:

- The ordinance would fix a loophole in the Code which allowed realistic flame bulbs.
- There could be a large quality difference in the bulbs with some looking better than others.
- These bulbs could also be easily exchanged for normal bulbs which would circumvent the light cut off regulations.
- The bulbs were hard to regulate, and it was difficult to know which buildings were grandfathered.
- The ordinance would allow only gas lights in unshielded fixtures.
- Preferred self-policing ordinances.

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

Council Member Drury thought that enforcement not code loopholes was the problem. He said that the City needed a code enforcement officer.

Motion: Council Member Simonsen moved to adopt Ordinance 2025-10 with the changes in the packet and the following findings:

- The proposed amendment would remove the ability to use realistic flame bulbs.
- Staff enforcement of the code would be easier if the ability to use realistic flame bulbs was removed.
- The current language permitted a loophole in the code that allowed for non-shielded and partially shielded fixtures to be installed.
- Residents might unknowingly not comply with code requirements by installing regular bulbs in fixtures that were only approved for realistic flame bulbs.
- The ability to install gas lights would not change with the proposal.

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	Excused from the Meeting
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

10. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Simonsen moved to go into a closed meeting to discuss pending or reasonable imminent litigation.

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	Excused from the Meeting
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

Note: Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

Motion: Council Member Drury moved to go out of the closed meeting.

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	Excused from the Meeting
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

11. Adjournment

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

The meeting was adjourned at 9:25 p.m.

Celeste Johnson, Mayor

Brad Wilson, Recorder

DRAFT