



# Memo

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**Date:** 25 June 2025

**To:**

**Cc:**

**From:** Brad Wilson, City Recorder

**RE:** Minutes of the 17 June 2025 City Council Regular Meeting

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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, 17 June 2025, 5:00 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 5:00 p.m. She excused Council Member Orme.

#### **Members Present**

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

#### **Staff Present**

Corbin Gordon, City Attorney  
Michael Henke, City Planning Director  
Wes Johnson, City Engineer  
Camille Palmer, Mayor's Assistant  
Nancy Simons, Accounting  
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.

The Swiss Miss and Attendants led the Council and meeting attendees in the pledge of allegiance. Mila Schreyer, 2025 Swiss Miss, gave the prayer and/or inspirational message.

### **2. Consent Agenda**

- a. Agenda for the 17 June 2025 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 3 June 2025 City Council Meeting
- d. Resolution 2025-09 adopting an emergency response action plan for Midway City's water system.
- e. Resolution 2025-20 adopting a certified property tax rate for Midway City
- f. Sending a letter to Utah's congressional delegation opposing larger and heavier semi-trucks and trailers.

- g. Ordinance 2025-16 amending the time and place of regular meetings of the Midway City Council.
- h. Debbi Farrell as an alternate member of the Midway City Open Space Advisory Committee.
- i. Change Order #1 (Underground power from Main Street to 250 North), Change Order #2 (Additional water lines), and Change Order #3 (Additional Midway Sanitation District slip lines) to the North Center Street Trail, Water, and Sewer Improvements Contract.

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

Mayor Johnson indicated that the process for appointments, especially for the Planning Commission, would be discussed at the next council meeting.

Brad Wilson indicated that Resolution 2025-20 could not be adopted because the Utah State Tax Commission had not yet determined the certified property tax rate.

Wes Johnson gave a presentation regarding the proposed change orders and made the following comments:

- Wanted the change orders to be approved before the related work began.
- Previously discussed the changes with the Council.
- The changes would increase the project by several million dollars.
- They included completing the trail on south Center Street, costs for Heber Light & Power Company (HL&P) to bury power underground from Main Street to 600 North, etc.
- The changes would not impact the timeline for the trail along north Center Street because the contractor brought in additional crews.

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

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

- The change orders had been added to the FY 2026 Budget.
- The additional work should be done that year instead of waiting.
- The City's purchasing policy did not prohibit the change orders even though they cost more than the original contract.
- The contractor would honor their original line-item costs.
- Change orders that were more expensive than the original contract should be avoided. Those costs should have been captured in the original bid. Would the other bidders have changed their bids if this had been done? Larger contractors would have submitted bids.
- The Purchase Policy should be amended to restrict purchase orders.
- Approving the change orders instead of issuing another request for bids would save the City money.
- The low bid was usually the most economical regardless of the size of the project.
- Would the other bidders protest the size of the project being doubled?

**Motion:** Council Member Simons moved to approve the consent agenda items “a” through “i” with the exception of item “e” and including the five change orders.

**Second:** Council Member Simonsen 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

\* Council Member Drury voted against item “i” and requested a change to the Purchasing Policy regarding change orders.

### **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**

#### “No Kings” Protests

Mayor Johnson reported that she participated in the “No Kings” protests the previous Saturday. She indicated that turnout was good, and law enforcement was friendly.

#### North Center Street Trail / Schedule

Council Member Simonsen reported that the trail project along north Center Street was ahead of schedule.

#### 400 East / Plants in Divider Strip

Council Member Simonsen reported that plants had been put in the divider strip between the road and the trail on 400 East. He indicated that the City was trying different options to improve the areas along trails.

#### Trees and Bushes

Mayor Johnson reported that the trees on public property, which had died during the winter, would be replaced. She also reported that the lilac bushes, which were removed at the Town Square, would be replaced with trees.

#### Roads and Trails / Sweeping

Council Member Simonsen noticed a lot of gravel on the City's streets, especially at intersections. He asked that the streets be swept. He noted that the trails were well swept.

#### South Center Street Trail / Begin Construction

Wes Johnson reported that construction would begin on the final section of the trail, along South Center Street, because the hay had been bailed in the affected field.

#### Historic Preservation Committee / Markers / Oral Histories / Republication

Council Member Simons reported that the Historic Preservation Committee was progressing with historical markers and oral histories. He added that it would republish its book on old houses.

#### Midway Irrigation Company / Employee

Council Member Simons reported that the Midway Irrigation Company was still looking for a replacement employee.

#### HVSSD / Will-Serve Letter

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) Board would discuss the request to provide a will-serve letter to developers. She preferred that the requirement be for HVSSD's entire service area.

#### Financial Report

Brad Wilson asked if there were any questions regarding the financial report provided to the Council. There were no questions.

### **5. Board of Health and Health Department / Annual Report (Sara Simonsen – Approximately 10 minutes) – Receive an annual report from the Wasatch County Board of Health and the Wasatch County Health Department.**

Sara Simonsen and Jay Eckersley, with the Wasatch County Board of Health, and Jonelle Fitzgerald, Wasatch County Health Department Health Officer, gave an annual presentation and reviewed the following items:

- Programs and services

- Senior nutrition
- Youth groups
- WIC
- Infectious disease surveillance
- Emergency preparedness
- Budget
- Featured statistics
- Water

They also made the following comments:

- The Department was trying to encourage residents to utilize their services.
- It wanted to be a resource for the community.
- The Board was pleased with the Department's staff.
- The Department wanted its image and identity to be positive.
- It had synergy with the Heber Valley Medical Center.
- It wanted to partner with businesses and other entities to promote good health.
- Everyone was welcomed at the Department.

**6. TAP Tax / Awards** (Mayor Johnson – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve awarding Trails, Arts, and Parks (TAP) tax revenue to various applicants.

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

- The request by the City for a portable speaker system should be increased to \$7,500.
- It was recommended that a trailer be purchased to store the proposed risers along with the portable stage. The trailer was budget in FY 2025 and did not need to be in the FY 2026 Budget.

**Motion:** Council Member Simons moved to approve the TAP tax funding for the period of January through March 2025 with the following changes:

- Funding for the portable speaker system be increased to \$7,500.
- The trailer be taken out of the FY 2026 Budget.

**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

## Department Reports (Continued)

### Law Enforcement / Tourism / Keychains / Parked Vehicles / Command Vehicle / Events / Additional Officer

Branden Russell, Heber City Deputy Police Chief, reported on the following items:

- Increase in tourists.
- Speeding prevention keychains.
- Warnings for illegally parked vehicles.
- New command vehicle.
- Summer events.
- Additional officer.

Deputy Chief Russell indicated that the City would have to pay the overtime rate for additional officers at events.

#### **7. Resolution 2025-17 / TAP Tax Amendments** (Camille Palmer – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-17 amending the Midway City Policies and Procedures regarding the application process for TAP funds.

Camille Palmer gave a presentation regarding the proposed amendments and exclusions included capital equipment. Ms. Palmer also made the following comments:

- The amendments were discussed at a strategic planning meeting.
- Requested that the first application period be changed from January 1<sup>st</sup> through June 30<sup>th</sup> to January 1<sup>st</sup> through February 28<sup>th</sup>. The awarded funds would be paid in June.
- The second application period changed from July 1<sup>st</sup> through December 31<sup>st</sup> to July 1<sup>st</sup> through August 31<sup>st</sup>. The awarded funds would be paid in December.
- The new application periods would correspond to those used by Wasatch County. This would help prevent duplicate requests.

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

- The funding period should be added to the TAP tax applications
- Capital expenditures should not be completely excluded.
- TAP tax funds had been used for new bells for the Swiss Handbell Ringers.

**Motion:** Council Member Simonsen moved to approve the amendments with the following changes:

- Stating that capital improvements would generally not be funded.
- The funding periods should be noted in the Policies and Procedures.

**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

**8. Resolution 2025-19 / FY 2025 Budget Amendment** (Budget Officer – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-19 amending the Fiscal Year 2025 Budget for Midway City. **Public Hearing** - Public comment must be related to this item on the agenda.

Nancy Simons reviewed the amendment to the FY 2025 Budget and made the following comments:

- Did not receive any questions or comments from the Council.
- There would be another month of revenue and expenditures.
- Was conservative in estimating revenue and liberal in estimating expenditures.
- Included a breakdown by department of the hours worked by the Public Works Department.

Council Member Simonsen reported that he asked the Public Works Director where his department could use the most help. The Director responded that removing the responsibility to water flowers would be helpful. Council Member Simonsen noted that this was only 4% of the Department's time.

### **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 Payne moved to approve Resolution 2025-19 amending the FY 2025 Budget.

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



**9. Tentative FY 2026 Budget / Public Hearing** (Budget Officer – Approximately 20 minutes) – Receive public comment on and discuss the adopted tentative FY 2026 Budget for Midway City. **Public Hearing** - Public comment must be related to this item on the agenda.

**10. Resolution 2025-18 / FY 2026 Budget** (Budget Officer – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-18 adopting the fiscal Year 2026 Budget for Midway City.

Nancy Simons reviewed changes to the proposed budget and made the following comments:

- Funding in the Capital Improvements Project (CIP) Fund, to improve the parking lot at 70 East Main Street, was increased to \$80,000. The funds would be taken out of the parking reserves.
- A comment about the vacuum truck would be removed.

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

- The \$80,000 for the parking lot should be taken out of general CIP reserves.
- The parking reserves should be used to acquire new parking and not to improve existing parking.
- Funding should be added for a part-time code enforcement officer.

### **Public Hearing**

Mayor Johnson opened the hearing and asked if there were any comments from the public.

#### **Mark Austin**

Mr. Austin suggested that the budget show how it supported the City's long-range and future goals. Mayor Johnson responded that the City had a ten-year plan and advisory committees.

Council Member Payne thought that the Council spent too much time on the details and not enough time on the "big picture".

Council Member Simonsen thought that the City could better communicate its budget to the public. He noted that Park City used simple charts and a narrative to present its budget. Council Member Drury noted that Park City had multiple staff members to prepare its budget.

Council Member Payne offered to meet with staff to better present the budget.

Mayor Johnson closed the hearing when no further public comment was offered.

**Motion:** Council Member Simons moved to accept Resolution 2025-18 as presented with the following changes:

- Funding to improve the public parking lot was increased to \$80,000. This funding would come from general reserves in the CIP Fund rather than parking reserves.
- \$40,000 be included for a part-time code enforcement officer.

**Second:** Council Member Simonsen 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. The Meadows at Dutch Canyon Lots 1 & 2 / Second Amendment** (Berg Engineering – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve a second plat map amendment for The Meadows at Dutch Canyon Lots 1 and 2 located at 787 East Dutch Mountain Way (Zoning is RA-1-43). **Public Hearing** – Public comment must be related to this item on the agenda.

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

- Location of the development
- Pictures of the property
- Current plat map
- Pedestrian traffic
- Proposed findings

Mr. Henke also made the following comments:

- The amendment included two lots that were previously combined.
- Note two on the original and amended plat maps prohibited driveway access from Dutch Canyon Road.
- Could not find a clear reason for the note.
- The Council had discretion in approving the request.
- The applicant wanted to build a circular driveway.
- The Municipal Code did not prohibit lot access from multiple roads.
- The applicant requested that the note be removed.

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

### **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.

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the

following comments:

- Watts Enterprises built the road to Dutch Canyon.
- An access easement was not wanted because vehicles would shine their lights into a house across the street.
- Dutch Canyon Road had low traffic volume.
- The frontage along both streets was improved. One had a trail and the other had a sidewalk.
- Had not seen the proposed layout for the driveway.

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

- The entrance onto Dutch Canyon Road should not be within 20 feet of the north boundary. This was where the road improvements ended.
- The Council should see the driveway layout.
- The driveway would be on private property and should not be the City's concern.

**Motion:** Council Member Drury moved to approve the second amendment to The Meadow at Dutch Canyon lots one and two, also known as lot one, modifying the plat map to allow direct access from Dutch Canyon Drive except for 40 feet from the north and south borders.

**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

**12. Ordinance 2025-11 / Residential Treatment Facilities** (City Planner – Approximately 20 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-11 amending Section 16.27.020 (Definitions) of the Midway City Municipal Code clarifying the number of residents allowed in residential treatment facilities. Recommended for approval by the Midway City Planning Commission. **Public Hearing** - Public comment must be related to this item on the agenda.

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

- Summary
- Proposed amendment
- Possible findings

Ms. Villani also made the following comments:

- Historically the City allowed eight residents to each treatment facility. This limit had withstood legal challenge.
- The Council had broad discretion deciding on the proposal.

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

### **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 Ordinance 2025-11 with the following findings:

- The proposed amendment clarified the language of Section 16.27.020 by improving consistency across the definitions, which was consistent with the historic application and interpretation of these provisions.
- Consistency across the definitions should decrease the potential for ambiguity or potential confusion with respect to this provision of code.
- The proposed language was consistent with supporting data underlying and forming the basis for the occupancy limits for residential treatment facilities, residential facilities for elderly persons, and residential facilities for persons with disabilities.

**Second:** Council Member Simonsen 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

Council Member Simons acknowledged the budget officer and the time that she spent on the budgets.

### **13. Adjournment**

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

The meeting was adjourned at 7:05 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

DRAFT