



# Memo

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**Date:** 9 December 2025  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder  
**RE:** Minutes of the 2 December 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, 2 December 2025, 5:00 p.m.**  
**Midway Community Center, City 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, and Planning Director. 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 indicated that Council Member Drury was not present but might attend electronically.

#### **Members Present**

Celeste Johnson, Mayor  
Lisa Orme, Council Member  
Kevin Payne, Council Member  
Craig Simons, Council Member  
JC Simonsen, Council Member

#### **Members Excused**

Jeff Drury, Council Member

#### **Staff Present**

Corbin Gordon, City Attorney  
Michael Henke, City Planning Director  
Wes Johnson, City Engineer (Left at 6:03 p.m.)  
Camille Palmer, Mayor's Assistant  
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 2 December 2025 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 18 November 2025 City Council Regular Meeting
- d. Resolution 2025-32 extending the deadline for recording conservation easements on Open Space Parcels 1-7 owned by the Homestead Resort located at 700 North Homestead Drive.

- e. Nancy O'Toole as an alternate member of the Midway City Open Space Advisory Committee

**Note:** Copies of items 2a, 2b, 2c, 2d, and 2e are contained in the supplemental file for the meeting.

Katie Villani indicated that Resolution 2025-32 also needed to extend the deadline for dark sky compliance to 15 December 2025.

**Motion:** Council Member Simons moved to approve the consent agenda items 2a through 2d, with Resolution 2025-32 including dark sky compliance by 15 December 2025, and approve item 2e.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

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

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

\* Council Member Simonsen noted that he was excused from the 18 November 2025 meeting and was unable to vote on the minutes for that meeting.

- 3. Appeal of Administrative Decision / Homestead Golf Course Site Disturbance** (Norm Henderson, Chalets on the Creek HOA President – Approximately 60 minutes) – Discuss and possibly act on an appeal, by the Chalets on the Creek HOA, of the issuance by the Midway City Planner of a site disturbance permit for the Homestead Golf Course located at 700 North Homestead Drive.

### **Introduction**

Mayor Johnson read an overview of the appeal process.

**Note:** A copy of the overview is contained in the supplemental file.

### **Presentations**

John Reeves, representing the Chalets on the Creek HOA, read a statement.

**Note:** A copy of Mr. Reeves' statement is contained in the supplemental file.

Corbin Gordon, representing the staff member who made the decision, gave a presentation and made the following comments:

- The appeal failed because the statute of limitations had run.
- Encouraged the Board of Appeals to deny or reject the appeal.

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

### **Summations**

Norm Henderson, Chalets on the Creek HOA President and appellant, made the following comments:

- Mr. Gordon had time to review the appellant's arguments.
- Was not given time to review Mr. Gordon's arguments.
- Asked for time to prepare a rebuttal.

Corbin Gordon did not object to giving Mr. Henderson ten days to rebut his arguments. He added that the rebuttal should be in writing. Mayor Johnson consented to the request.

Council Member Payne asked if consideration of the appeal would be continued to another council meeting. Mr. Gordon responded that the rebuttal would be submitted in writing and then the Board of Appeals would meet again to deliberate.

Council Member Payne noted that a new council and board would be seated in January. He also noted that the current council would have to deliberate and make a decision before the end of the year. Mayor Johnson indicated that the current council could meet after ten days.

The Council decided to consider the appeal again on 17 December 2025 at 6:00 p.m.

Mr. Henderson said that Council Member Simons worked for the Homestead Resort and should recuse himself from the appeal. Mayor Johnson responded that Council Member Simons did not work for the Homestead. Council Member Simons responded that he worked for his family's business which was separate from the Homestead. Mr. Henderson said that Homestead owned the Crater and contracted with the Simons family to manage it. Corbin Gordon indicated that Mr. Henderson could include that argument in his written rebuttal.

Council Member Simonsen asked if the Council could ask questions between the council meetings. Corbin Gordon responded that they could not.

#### **4. Public Comment** – Comments were taken for items not on the agenda.

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

## 5. Department Reports

### Burgi Hill Park / Berm / Trees

Mayor Johnson reported that trees had been planted on the berm at Burgi Hill Park.

### North Center Street Trail / Comments / Raised Crosswalks / Crosswalk Signs / Striping

Council Member Simonsen reported that he received positive comments on the new trail along the north section of Center Street. He added that lessons learned should be applied to future projects.

Wes Johnson reported that raised crosswalks would be installed as part of the project. He explained that the crosswalk at Farm Springs Road would be installed that year and the others would be installed the following spring.

Council Member Simonsen recommended that the City evaluate the large speed bumps in the Red Ledges.

Mayor Johnson asked that the signs indicating raised crosswalks be taken down until the crosswalks were installed.

Council Member Payne indicated that the road striping did not look rural. Mr. Johnson responded that some residents appreciated the striping while some did not. He noted that traffic speeds on the road had decreased. Council Member Simonsen added that safety was more important than aesthetics.

### UDOT Meeting / Projects

Wes Johnson reported on a meeting with UDOT where the following items were discussed:

- Main Street and River Road signal light
- Upsizing a culvert under SR 113
- Closing state roads during Swiss Days
- Funding was found for a Main Street crosswalk at Café Galleria
- Crosswalk at Tate Lane
- Warm Springs Road trail
- 100 West and 100 North crosswalk

### Public Park Signs

Mayor Johnson reported that larger and more readable public parking signs would be installed.

### 70 East Parking Lot / Fencing

Mayor Johnson reported that the following week fencing would be installed at the 70 East Main Street parking lot.

#### Midway Irrigation Company / Annual Meeting

Council Member Simons reported that the Midway Irrigation Company would hold its annual meeting in January.

#### Legislative / Meeting with Legislators

Katie Villani reported that she would schedule a meeting with the City's state legislators.

#### Land Use / Pine Canyon Road Development

Michael Henke reported that a development planned on Pine Canyon Road was withdrawn.

#### Financial Report

Brad Wilson asked if there were any questions regarding the October financial report. There were no questions.

**Note:** Wes Johnson left at 6:03 p.m.

- 6. Ordinance 2025-17 / Short-Term Rentals** (Michael Henke, Planning Director – Approximately 45 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-17 amending the Midway City Municipal Code redefining short-term rentals and clarifying that the entire dwelling unit must be rented by one entity.

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

- Background
- Proposed amendments
- Possible findings

Ms. Villani also made the following comments:

- Asked that the ordinance be adopted at least as a starting point.
- When a short-term rental license was approved the unit would have to be dark sky compliant.
- Some responses from residents were provided to the Council.

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

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

- The City should not require short-term rentals to be dark sky compliant.
- Revoking a license after three violations was too strict. There could be three violations in one night.
- Revocation was not automatic.
- The City Council decided if a license should be revoked.
- The proposed ordinance gave the Council the ability to stop repeat offenders.
- The grace period to renew a license should be 30 rather than 60 days.
- Renewing at the end of the year was difficult because of the holidays.
- License holders liked to renew at the beginning of the calendar year.
- The longer grace period benefited staff.
- Downtown short-term rentals were rented for \$150 a night on weekends and \$80 a night on weekdays. A long-term rental was rented for \$3,000 a month.
- Short-term rentals worked against affordable housing and long-term rentals.
- Not many long-term rentals became short-term rentals.
- Short-term rentals provided a way for families to have a house in Midway and to come together as a family.
- Some people were only able to buy a house in Midway if it could be used as a short-term rental.
- Long-term residents were not satisfied with short-term rentals.
- Only new short-term rentals should be dark sky compliant.
- The Municipal Code required that properties become dark sky compliant over time.
- Short-term rentals enabled greater income. Some of this income should be used to make them dark sky compliant.
- Short-term rentals created mini motels.
- Short-term rentals were more costly for owners.

**Motion:** Council Member Simons moved to adopt Ordinance 2025-17, amending the Midway City Municipal Code redefining short-term rentals and clarifying that the entire dwelling unit must be rented by one entity, with the following findings and conditions:

- The proposed amendment would allow for better regulation of transient rental units and transient unit property managers.
- Proposed amendments were based on experience, other cities' codes, and changes in State law.
- The proposal stated that a rental unit must comply with all requirements even if it was occupied by the owner, nonpaying guests of the owner, or paying guests of the owner.
- The proposal clarified that a rental unit was the entire dwelling and property.
- The proposed amendment clarified enforcement provisions.
- The grace period to renew a license would be from January 1<sup>st</sup> to January 31<sup>st</sup>.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

Council Member Drury  
Council Member Orme

Excused from the Meeting  
Aye

Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

**7. Commercial Zones / Discussion** (Michael Henke, Planning Director – Approximately 60 minutes) – Discuss the commercial zones in Midway City.

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

- History
- General Plan
- Main Street
- Zoning Map
- Locations of commercial zones
- Differences between the C-2 and C-3 zones
- Proposed uses in commercial zones
- Goals and guidelines
- Look and feel of Main Street
- C-3 zone
- Park City's Main Street
- C-2 zone
- Rural main street

Mr. Henke also made the following comments:

- Was looking for direction from the Council.
- The Planning Commission would have to be involved in the process.
- Rest homes had to be allowed in residential zones. They would be limited to eight residents.
- Daycares were a concern because of pick up and drop off.
- The boundaries of the commercial zones were established in the 1960s and were usually 300 feet off the road. They had been adjusted since then.

**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:

- The City did not need another grocery store. The proposal allowed businesses up to 22,000 square feet. This was too large and should be removed. If this was removed, then the current grocery store would be limited when expanding. A portion of its parking would have to be used for any expansion.
- Why was the south side of Main Street across from the Town Square not in the C-3 zone?
- Recreational businesses would no longer be allowed in the C-3 zone. What was a recreational business? Should just OHV rentals and sales be prohibited in the zone?
- 15,000 square feet was large for a retail space. The Midway Mercantile was 13,000 square feet and Dainty Pear was 12,000 square feet.



- The City wanted small shops.
- Larger businesses required more parking which the City did not have.
- Should parking requirements be based on parcel size?
- Why should wedding chapels be removed? There had been one in Old Swiss Square.
- Wedding chapels required a lot of parking.
- Event centers required a lot of parking but were used rarely which hurt activity. Wedding chapels were similar.
- Wedding chapels should be in the resort zone.
- Churches were not prohibited from holding weddings.
- Churches were not allowed in the commercial zones.
- Churches affected other uses such as alcohol dispensing establishments.
- Event centers should not be allowed in the commercial zones.
- Should parking have a 50-foot front setback? This could apply just to state roads which would allow parking next to local streets.
- Businesses with engine noise should not be allowed in the commercial zones. Other repairs shops like clock repair should be allowed.
- A third commercial zone was not being considered.
- Short-term rentals in the commercial zones were self-regulating because of setbacks, parking, etc. They had two layers of restrictions because they were also commercial condominiums.
- Plumbers would not have shops on Main Street because of the high rent. Plumbing and electrical shops would be removed from the commercial zones.
- A process needed to be developed to provide workforce housing. A legislative development agreement was a possibility.
- The ratio for mixed-use developments should be reviewed.
- The commercial zones should have smaller buildings. Some commercial buildings had larger buildings behind them. This should be discussed later.
- Was there an advantage to extending the commercial zone to the west? This had been opposed by neighbors three years earlier. A lot had changed since then.
- Should there be a buffer between the commercial and residential zones? There could be the commercial zones, then the transient rental overlay district (TROD), and then the residential zones. This could be viewed as every home next to a commercial zone should be a short-term rental.
- Should the area of the commercial zone next to Memorial Hill be reconsidered? This area could be rezoned back to residential. Southill, which included the area, had already been approved.
- There was a significant difference between rural and urban.
- All architecture focused on urban.
- Midway should remain rural and not jump to urban solutions. It should be eclectic and quaint. Less was more.
- Midway did not want Heber City's Main Street.
- Residential should be allowed in the commercial zones.
- A walkable rural commercial area was preferred.
- Midway was distinct and special. It could have a walkable Main Street without becoming like Park City's Main Street.
- Existing buildings should be preserved.
- Some buildings were too close to Main Street. The front setback should be 20 rather than 10 feet.
- Main Street should be open and walkable.
- The City should plan rather than be reactive.

- Midway could have a section of its Main Street which was like Park City's Main Street and then the remainder could be more open.
- More parking was needed along Main Street.
- Not everyone would build to the same high standards.
- Main Street should not have the maximum allowed density.
- Midway needed to know what it wanted. It should develop and communicate a vision.
- People were drawn to Midway because of the businesses and what they saw.
- Walkable did not mean high density.
- The commercial zones included zero side setbacks. Should that change?
- The same setbacks created uniformity which was not desirable.
- Open porches should be allowed in the front setback.
- An area would be less walkable if there was not a maximum front setback.
- A business's parking should not be in the front.
- Some businesses put tents up in the open area in front of their property.
- Zero setbacks were worrying.
- Residential structures were not required to be removed because of the setbacks in the commercial zones.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 8:00 p.m. She reconvened the meeting at 8:11 p.m.

- What was the percentage of landscaping for businesses like Haven? The C-2 zone should have a greater percentage of landscaping and open area. Pavers should not be considered landscaping.
- The maximum floor area ratio (FAR) was important.
- Should flat roofs be allowed? Flat roofs did not look good. Commercial builders liked to use flat roofs. Some roofs had a pitch with a flat top.
- The uses discussed that evening could be sent to the Planning Commission for a recommendation.

**8. City-Wide Recycling / Request for Proposals** (Celeste Johnson, Mayor – Approximately 30 minutes) – Discuss and possibly decide to issue a request for proposals for city-wide recycling in Midway City.

Mayor Johnson made the following comments:

- More information was available regarding city-wide recycling.
- Recyclops' cost would increase by \$0.20 if the City was not its phone center.
- Should the City help its residents understand that the County would not provide recycling? The Council could decide if it wanted to do opt-out or opt-in recycling.
- Opt-out recycling was cheaper.
- Opt-out recycling could be discontinued after one year.
- A request for proposals could be issued to see what options were available.
- No research had been done on what residents wanted regarding recycling.
- The County said that they tried recycling and it did not work.
- Salt Lake County invested in a \$20 million recycling sorting facility.
- Recyclops was the only available recycling company.

- None of the cities that used Recyclops had any complaints.
- Was willing to help with the issue in the future.

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

- What was the cost for the City rather than the recycling company to administer a recycling program? This cost should be determined before a decision is made.
- Other cities did not administer recycling programs.
- The recycling company should handle all aspects of the program.
- Recyclops did not have the best reputation.
- The City should get more information and determine the interest of its residents before it made a decision.
- What were residents willing to pay for recycling?
- Manti City included all its bills on one statement. The City needed to determine if its financial software and accounting regulations allowed combined billing for culinary water and recycling.
- The cost for opt-in recycling from Recyclops was needed.

Lynette Wilson, who worked for the Wasatch County Solid Waste Special Service District, made the following comments:

- Curb It recycling operated in the County but was not profitable and closed.
- Residents currently had the option to recycle with Recyclops.
- A lot of what was put in recycling bins was not recyclable.
- People needed to change the way that they created waste.
- Earth911.com and recycleutah.org were resources for recycling.
- Amazon did not offer a recycling service.
- Residents should not have to pay the cost for others to recycle.
- An opt-out model should not be used.
- Recyclops had a bad reputation.
- The City should only provide no more than recycling information.

Mayor Johnson indicated that opt-out recycling cost half as much as opt-in recycling.

**9. City Council / Midterm Vacancy Application** (City Attorney – Approximately 15 minutes) – Discuss and possibly approve an application to fill midterm vacancies on the City Council.

Corbin Gordon made the following comments:

- Had not received any questions to include in an application.
- It would be more efficient for applicants to respond to questions in writing.

The Council suggested the following questions:

- What was the most significant issue facing the City and how should it be resolved?
- What was your vision for Midway in the next 20 years?
- What had the City done right and what areas needed improvement?
- Do you understand that there will be two council meetings and other committee meetings each month?

Council Member Orme said that it would be fairer if each applicant received the same questions.

## **10. Closed Meeting to Discuss the Purchase, Exchange, or Lease of Real Property**

**Motion:** Council Member Orme moved to go into a closed meeting.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
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 Orme moved to go out of the closed meeting.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

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

## **11. Adjournment**

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

The meeting was adjourned at 9:17 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

DRAFT