

Midway City Corporation



Mayor: Craig Simons
City Council Members
Lisa Orme • Andy Garland
J.C. Simonsen • Kevin Payne

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TO: Midway City Council

FR: Michael Henke

RE: Item 8: Reconsider Motion for TROD Expansion

DT: January 20, 2026

Mayor Simons (then City Councilman Simons) made a motion at the City Council meeting on November 18, 2025, to approve a zone map amendment to expand the Transient Rental Overlay District (TROD) to a property at 71 South 200 West owned by Mark and Wendi Richard and Dallin Twilliger. A copy of the minutes is attached to the memo.

The Midway City Municipal Code Section 2.02.030 (Form and Character of Motions) states the following:

- A. Upon review of the public record on a request and due deliberation among the members of the City Council, any member of the City Council, except the Mayor, may make a motion. The motion shall include not only the direction of the motion (table, continue for further investigation, return to referring body for further study, approval, approval with conditions, or denial), but also a recitation of the specific findings and conclusions supporting each motion.
- B. A second shall be required for each motion (a motion shall die in absence of a second).
- C. Discussion and amendments on the motion may then follow.
- D. Reconsidering a motion enables a majority to bring back for further consideration a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. It can be made only by a member who voted with the prevailing side.

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small town Swiss character and natural environment, as well as remaining fiscally responsible.

Mayor Simons has requested that the Council reconsider his motion in accordance with Subsection “D” above. Please contact him or me if you have any questions.

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**MINUTES OF THE
MIDWAY CITY COUNCIL
(Regular Meeting)**

**Tuesday, 18 November 2025, 6:00 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 6:00 p.m. She excused Council Member Simonsen and Wes Johnson, City Engineer.

Members Present

Celeste Johnson, Mayor
Jeff Drury, Council Member
Lisa Orme, Council Member
Kevin Payne, Council Member
Craig Simons, Council Member

Staff Present

Corbin Gordon, City Attorney
Michael Henke, City Planning Director
Camille Palmer, Mayor's Assistant
Nancy Simons, Accounting/Budget Officer
Katie Villani, City Planner
Brad Wilson, City Recorder

Members Excused

JC Simonsen, 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 Payne gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the 18 November 2025 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 21 October 2025 City Council Regular Meeting
- d. Final extension of the final approval for the Labarge Subdivision located at 922 North Pine Canyon Road.

- e. Conclude the warranty period and release the remainder of the bond for the Edelweiss Meadows Subdivision located at 640 East 200 South subject to the payment of all fees due to Midway City.
- f. Release the construction bond, minus 10% and any amount for landscaping, and begin the one-year warranty period for Plat A of Southill located at Main Street and Holly Lane.

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 Simons moved to approve the consent agenda with items 2a through 2f as listed.

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	Excused from the Meeting

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 that were not on the agenda.

Gratitude Concert

Corbin Gordon invited everyone to attend a concert, on November 25 at the Midway Town Hall, to express gratitude. The concert would be free.

No further comments were offered.

4. Department Reports

Law Enforcement / New Hires / Police Dog / New Patch

Parker Sever, Heber City Police Chief, made the following comments:

- The Heber City Police Department would hire two graduates from the Police Academy and would rehire a retired officer.

- The Department had a new police dog named Bane.
- The Department adopted a new patch that referenced Midway.

Council / Staff / Public Works

Council Member Drury indicated that evening would be his last meeting before his term ended and he left the Council. He thanked the City Council, staff, and the Public Works Department.

Ice Rink / Opening

Council Member Drury reported that the City's ice rink would open when the daytime temperatures were below 50 degrees.

Housing Board / Director

Council Member Payne reported that the Wasatch County Housing Authority was again considering hiring an executive director. He added that the municipalities might be asked to help pay for the position.

HL&P / Impact Fee

Council Member Payne reported that Heber Light & Power Company was updating the amount of its impact fee.

HVRR / North Pole Express / Track Repair / Assistant

Mayor Johnson reported that Heber Valley Railroad's (HVRR) North Pole Express was sold out but another car was being added. She reported on a section of track that needed to be repaired and who would be responsible for the cost. She added that an assistant had been hired for HVRR's executive director.

HVSSD / Pond Dredging

Mayor Johnson reported that the Heber Valley Special Service District (HVSSD) had hired an experienced contractor to dredge its most problematic sewer pond. She said that the work would be done in the winter when the smell would be reduced.

MSD / Rate Increase

Mayor Johnson reported that the Midway Sanitation District (MSD) would increase its rates by 5%.

Wasatch County Caring Coalition

Mayor Johnson reported that she would continue as a board member for the Wasatch County Caring Coalition after her term as mayor ended.

Legislative

Katie Villani gave a presentation and reviewed the following items:

- Property taxes
- Water Infrastructure Fee Study
- State Housing Plan
- Detached ADUs as a right
- ULCT response to Governor Spencer Cox

Ms. Villani also made the following comments:

- Input was the most useful before the state legislative session began.
- It was worthwhile to meet with state legislators.
- The Utah League of Cities and Towns (ULCT) would hold training for municipal elected officials.

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

Land Use / Pine Canyon PUD

Michael Henke reported on a proposed PUD on Pine Canyon Road.

Financial Report

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

5. 2025 General Election / Canvass Ballots (City Recorder – Approximately 10 minutes) – Canvass the Ballots for the 2025 Municipal General Election.

Brad Wilson gave a presentation on the summary and precinct results for the general election.

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

Motion: Council Member Drury moved to approve the canvass of the ballots for the 2025 Municipal General Election.

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	Excused from the Meeting

6. Zermatt Resort / Conditional Use Permit / Local Consent (Jack Sullivan – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve a conditional use permit and grant local consent for an alcohol dispensing establishment at the Zermatt Resort located at 784 West Resort Drive (Zoning is Resort). Recommended with conditions 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 request and reviewed the following items:

- Background
- Past conditions of approval
- Analysis
- Possible findings
- Proposed conditions
- Planning commission recommendation

Ms. Villani also made the following comments:

- There were changes in the ownership of Zermatt Resort. This required new liquor licenses.
- The owners wanted a hotel liquor license with sub-licenses for each restaurant, etc.
- There would not be a change in use.
- Past liquor licenses had been approved.

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.

Scott Eckersley

Mr. Eckersley made the following comments:

- Owned several units in Zermatt Resort
- The previous owners paid a portion of the restaurant revenue to the property owners association (POA). The new owners, who controlled the POA's management committee, discontinued this practice.
- The restaurants, like the spa and other facilities, were private businesses on POA

property.

- The new owners increased the POA fees.
- Asked that no new approvals be granted to the owners.

Mayor Johnson responded that she had not heard of Mr. Eckersley's concerns before. Corbin Gordon added that the issue was a private matter and separate from the request being considered that evening. He indicated that the City could not do anything to address the concerns.

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

Motion: Council Member Drury moved to approve the conditional use permit and grant local consent for an alcohol dispensing establishment at the Zermatt Resort located at 784 West Resort Drive with the following findings and conditions:

- The proposed use was conditionally permitted within the Land Use Title and would not impair the integrity and character of the intended purpose of the subject zoning districts;
- The proposed use was consistent with the General Plan. No issues to the contrary had been identified;
- The approval of the conditional use permit for the proposed use complied with the requirements of state, federal and Midway City regulations. The applicant would obtain approval of the CUP, Local Consent, Business License, Alcohol License, and obtain and comply with all applicable state licensing requirements of the UDABS;
- There would be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored. No issues had been identified;
- The design, location, size, and operating characteristics of the proposed use were compatible with the existing and future land uses with the general area in which the proposed use was to be located and would not create significant noise, traffic, or other conditions or situations that might be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City. The proposed use and associated traffic were consistent with current use and used in the resort zone;
- The subject site was physically suitable for the type and density/intensity of the proposed use and had been used for a comparable use in the past;
- There were adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety. No detrimental impacts had been identified;
- The proposed license would allow the sale of alcohol at the Zermatt Resort.
- The State did regulate this type of alcohol license.
- Special events on site would be required to comply with Midway City Code.
- No alcohol-related signage would be visible on the exterior of the building or on the inside, visible from the outside, including from Resort Drive and Homestead Drive.
- Signage would comply with Midway City Code

Second: Council Member Simons seconded the motion.

Discussion: Council Member Orme asked if the applicants still needed to receive state approval. Katie Villani responded that they did.

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

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

7. Nightly Rentals / TROD (Michael Henke, Planning Director – Approximately 60 minutes) – Discuss nightly rentals and the Transient Rental Overlay District (TROD) in Midway City.

Michael Henke gave a presentation regarding transient rentals and the TROD and reviewed the following items:

- Zoning map
- Code history
- TROD
- Map of transient rentals in Midway City
- Zoning enforcement
- Overview
- Resort tax comparison

Mr. Henke also made the following comments:

- Conditional use permits (CUP) were required for transient rentals in residential zones.
- The City enforced its transient rental regulations if someone complained.
- Concerns were raised with transient rentals in residential zones.
- Each transient rental with a separate tax ID number required a license.
- Not all transient rentals were the same.

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

Brad Wilson explained the impact of transient rentals in the section of the TROD along Main Street and Center Street. He noted that 27 rentals were in this section. He added that approximately 78 rentals could be eliminated or lapse before the City could no longer levy the Resort Communities Tax.

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

- The impact of transient rentals on neighborhoods and commercial areas.
- Limiting transient rentals in residential zones.
- Transient rentals outside of the TROD should be addressed. They should be shut down.
- Transient rentals would spread throughout the City if they were not regulated.
- Were some transient rental owners not paying the appropriate taxes?
- How did the State know that Midway should receive tax revenue if the owner lived in and used an address for another city?
- Transient rentals were an abuse of Midway’s residents.

- The City's transient rental regulations should be proactively enforced.
- Transient rentals outside of the TROD should be shut down or there was no reason to have the TROD.
- Why have both the resort zone and the TROD?
- Previous councils had over time reduced the areas where transient rentals were allowed.
- The TROD was created to allow transient rentals in portions of various zones.
- The issues with transient rentals had increased with the creation of online rental platforms like Airbnb and VRBO.
- Did the Council want to further reduce the areas where transient rentals were allowed?
- The General Plan recommended that the TROD not be expanded.
- CUPs were complicated because they remained with the property even if the zone changed.
- The Municipal Code did not allow CUPs to be revoked. Staff had to alleviate any problems that arose.
- A business license was easier to revoke. The City Attorney would have to determine when one could be revoked.
- All zones should be reviewed at the same time as the TROD.
- Which transient rentals would be "grandfathered" if they were no longer in the TROD? Logan City had a map that showed the "grandfathered" rights of each piece of property.
- The portion of the TROD along south center street should be eliminated.
- It was difficult to decide the boundary of a zone or district.
- The TROD needed to be better managed.
- Maintaining the resort tax had been the focus of transient rental policies.
- A lot of the problems with transient rentals would be resolved if they were eliminated in residential zones.
- The real problem was the areas where commercial zones met single family residential zones.
- The TROD had slowly grown larger.
- The City's transient rental capacity should be calculated with the addition of the approved units at Homestead and Ameyalli.
- There could be a rush of transient rental applications if the Council considered reducing the areas where they were allowed. The Council could adopt a notice of pending ordinance to address this issue.

Motion: Without objection, Mayor Johnson recessed the meeting at 7:58 p.m. She reconvened the meeting at 8:15 p.m.

- 8. Ordinance 2025-27 / TROD Amendment** (Mark and Wendi Richard and Dallin Twilliger – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-27 amending the Midway City Land Use Map to expand the Transient Rental Overlay District (TROD) to include a parcel located at 71 South 200 West (Zoning is R-1-7). Recommended with conditions by the Midway City Planning Commission. **Public Hearing** – Public comment must be related to this item on the agenda.

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

- Noticing
- Land use summary

- Location of the proposed expansion
- Zoning map
- Approvals and denials of similar requests
- Discussion points
- Planning commission recommendation
- Possible findings

Mr. Henke also made the following comments:

- The Planning Commission recommended that the request be denied, which was different from what was indicated on the agenda.
- A written response was provided to the Council.
- Received several phone calls in opposition to the proposal.
- The Planning Commission recommended denial because it would reduce housing stock and be disruptive to the neighborhood. Their vote was unanimous.
- The Planning Commission had recommended denial of all TROD expansions that it had considered in the last five years.

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

Wendi Richard, applicant, made the following comments:

- The property was next to Harvest Restaurant.
- The community would benefit from the proposal because of tax revenue and quality of life.
- Had invested in her house.
- She owned it for 30 years.
- The proposal would support her financial needs. It would bring visitors to Midway.
- Wanted to stay in the accessory dwelling unit (ADU) above the garage and rent out the house.
- Worked in Wasatch County and this would give her a place to stay.
- The ADU had a microwave and hotplate.

Michael Henke made the following comments:

- The space above the garage did not meet the requirements for a full living unit. It could not be rented and could only be used as an overflow for the house.
- Currently the entire property could only be rented long-term.

Public Hearing

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

Jodi Deputy

Ms. Deputy made the following comments:

- Was the president of the Maisons de Saint-Prex HOA.
- Lived next to a section of the TROD and a transient rental that had 14 beds and advertised that it could accommodate 14 guests. Corporate and swinger parties had been held at the rental. Some parties had over 100 guests.
- Neighbors had to patrol transient rentals.
- Better and dedicated enforcement was needed.
- The size of the TROD should be reduced rather than increased.
- Another seven houses would be built in the section of the TROD next to her house.

Lynette Wilson

Ms. Wilson made the following comments:

- Lived around the corner from the proposed TROD expansion.
- Opposed the expansion.
- Her neighbors also opposed the expansion.
- The Planning Commission recommended against it.
- The Council had allowed the TROD to expand.
- What was the benefit of expanding the TROD? Council Member Orme responded that transient rentals were second residences and were levied double the property taxes.
- The community was more important than transient rentals.
- The City should not rely on transient rentals for its tax revenue.
- Moved to Midway because it was an agricultural community rather than a resort town.

Howard Weinstein

Mr. Weinstein made the following comments:

- Lived in the Maisons de Saint-Prex
- He and other neighbors had been subjected to many violations by a transient rental owner.
- The transient rental next to them had not been licensed for many months.
- Did not want another seven houses built and then become transient rentals or even "party houses".
- The owner of the transient rental did not care about the neighbors.

Ray Fecteau

Mr. Fecteau made the following comments:

- Lived across the street from the proposed TROD expansion.
- Was never notified when Harvest Restaurant added a parking lot and trash dumpsters. The dumpsters were on the edge of the property, and he had to avoid them to back out of his driveway.
- He and the applicant were really in a commercial zone even though their properties were zoned residential.
- They had to deal with the parking issues created by the commercial zone.
- The proposed expansion was close to Main Street.

- The applicant needed the expansion to survive.
- If the transient rental became a problem, then the City could shut it down.
- He and his neighbors were already being forced into a commercial area.
- Their street was shut down during Swiss Days.
- Asked the Council for grace and empathy.
- Was a friend with the applicants.

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

Council Member Orme stated that the applicants were in a hard situation because they lived in a commercial area.

Council Member Payne made the following comments:

- Rented a house in The Cascades at Soldier Hollow. The house had previously been known as a “party house”. The HOA eventually prohibited transient rentals.
- The issue was tough especially because the applicant lived next to a commercial zone.
- Was concerned about the areas where commercial and single-family residential zones met.
- The property was not governed by an HOA with the ability to restrict transient rentals.
- The TROD was gradually expanding.
- The adjoining property owners could request an expansion.
- Should maintaining the Resort Tax guide the City’s land use decisions?
- Transient rentals should be eliminated from residential zones.

Council Member Simons made the following comments:

- It was an important point that the proposed expansion was next to a business. This was why each TROD expansion request should be handled separately.
- It was more important to hear from the neighbor across the street than the neighbor down the road.
- Liked Swiss Days which was an important part of Midway.
- Voted against other TROD expansions.

Motion: Council Member Simons moved to approve Ordinance 2025-27 amending the Midway City Land Use Map to expand the Transient Rental Overlay District (TROD) to include a parcel located at 71 South 200 West with the following findings and recommendations:

- The principle of the TROD be the first or second item reviewed when the Council reviewed all the City’s zoning. It should be defined at that time and not changed again.
- The applicants were people.
- He watched them work on their house.
- They beautified it and made it inviting.
- They would not let it become a “party house”.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Payne asked if the applicants would be subject to the next agenda item if it was adopted by the Council. Michael Henke responded that the code change

would apply to the applicants because they would still need to apply for a CUP and a transient rental license.

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

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

Council Member Drury indicated that the decision was difficult because the area of the TROD might be reduced or someone else might want to change the TROD boundaries.

Mayor Johnson reviewed the points from the earlier discussion of transient rentals. She made the following comments:

- Spoke with Council Member Simonsen prior to the meeting and he would have voted against the expansion.
- That evening the council talked for about an hour about reducing the size of the TROD then it voted to expand it.
- Appreciated the fairness of staff.
- The Council needed to consider not just the current owners of the property but also future owners when making a decision.
- The sense of community was lost with too many transient rentals.
- Midway was at a tipping point, and transient rentals would continue to be a big issue.
- Understood that the applicants had a parking lot built next to their property.

9. 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.

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

- Background
- Proposed amendments

Mr. Henke also made the following comments:

- The City Council requested to review the City’s short-term rental code.
- Advertising could not be used to shut down transient rentals.
- Some minor changes had been made since the proposed ordinance was provided to the Council.
- The required sign on the outside of a transient rental would be small and close to the main door. It would not be allowed next to the street.
- Some transient rental units, like those in Zermatt Resort, had lockouts which could create one or more additional rentable units.

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

Katie Villani made the following comments:

- The proposal could hold transient rental owners liable with the loss of their license or by fines. The fine would be up to \$1,000.
- It also made managers liable.
- A lot of owners were trying to also be the manager or have a relative be the manager. They usually were not active managers.
- It required that the City Council not staff revoke the license. An appeal would go to district court.
- The City needed to know when the manager's list of rentals changed.
- It was a significant time drain for staff when they did not have access to the most current information.

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

- The ordinance needed to be enforced if it was adopted.
- It was easier for a local manager to hold renters accountable.
- A fine that was too low would just be considered a cost of business by the owner.
- A revoked license should not be granted again for one year instead of six months.
- A license should be revoked after a certain number of violations.
- A manager that oversaw many transient rentals would not want their license revoked because of problems with one rental.
- Regulations should be strong enough to stop repeat offenders.
- There should be an option for a permanent revocation.
- The manager's license should be the first to be revoked. Both the manager's and the owner's license should be revoked. A manager should not lose their entire business because of one bad owner or rental. There were different considerations for managers and owners.
- Requiring a manager's company to be in Midway was too limiting. There were too few managers available in Midway. This almost created a monopoly. The managers had high fees. Managers from Wasatch County should be allowed with a Midway business license still required. A manager in Timber Lakes would be 20 minutes away. A physical location should be required in the County.
- Managers currently had to have their business in Midway's commercial zone.
- Should home offices be allowed?
- Should managers from Summit County be allowed? Would they even be interested?
- Should basic information on all renters be required?
- Managers needed to have a 24-hour on-call service.
- Permanent revocation should apply to the owner and not the property.

Motion: Council Member Drury moved to continue the item.

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	Excused from the Meeting

Michael Henke indicated that the proposed ordinance would be considered again at the December 3rd council meeting.

10. Parking Lot Fencing / Award Contract (Wes Johnson, City Engineer – Approximately 10 minutes) – Discuss and possibly approve a contract to install fencing around a public parking lot located at 70 East Main Street.

Brad Wilson gave a presentation regarding the fencing and reviewed the following items:

- Parking lot after the recent improvements
- Submitted fencing bids
- Proposed type of fence

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

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

- A fence was needed to keep the vehicle headlights from shining into the neighboring properties. Neighbors complained about headlights since the parking lot was built.
- There would not be a fence next to the commercial property on the east side.
- The existing white fence on the west side would be removed.
- A fence would take away from the open and rural feel.
- Should the existing white fence be expanded instead of removed to save money?
- The quote from the low bidder had expired but they confirmed that it would still be honored.
- Removal of the existing fence was not included in the bid. The City Engineer recommended that the fence be cut off instead of removed to prevent damage to the new curb and asphalt.
- The new fence would be identical to the one on the west side of the City’s cemetery and have steel posts and vinyl slats.
- The neighbors to the west and south were expecting the City to install the fence.
- The owners to the south had the biggest complaint. The owners to the west had been good to work with. The owners to the southeast had a half-height fence that they wanted to remain. The fence next to the commercial property would drop down to provide better visibility for drivers leaving the lot.
- Drivers would go into the parking lot on the west side and leave on the east side.
- Some of the neighbors would allow the City to use some of their property for the fence.
- The fence would be six feet high. That height was needed because the property was not

- flat and headlights would shine over a lower fence.
- The City had made the same requirements of multiple developers.
- People came to Midway for a rural feel and no site obscuring fences.

Motion: Council Member Simons moved to award the contract to install fencing to American Vinyl, LLC, for \$29,800 with half down, if the Public Works Department removed certain existing fencing, then they needed to be sensitive to the curb and asphalt.

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	Excused from the Meeting

11. Resolution 2025-31 / Budget Amendment (Nancy Simons, Financial Officer – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-31 amending the Fiscal Year 2026 Budget regarding improvements to a public parking lot at 70 East Main Street and other items. **Public Hearing** – Public comment must be related to this item on the agenda.

Nancy Simons made the following comments:

- She provided a memo to the Council detailing the budget amendment.
- Item #5 in the memo covered changes to the Capital Improvement Projects (CIP) Fund.
- Repairs to Bigler Lane were being done with a developer which would save the City \$38,000.
- Additional work at Alpenhof Park, and not just the payment of the retainer, needed to be included in the budget.
- One vehicle had been booked into the Water Fund. 50% of its cost needed to be moved to the CIP Fund.

Council Member Drury reminded the Council that the City had a vehicle replacement fund. Ms. Simons noted that revenue from the sale of vehicles was booked into the General Fund but could be moved to where it was needed. The Council agreed that it should be moved to the vehicle replacement fund.

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 2025-31 amending the budget as

noted in the packet.

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	Excused from the Meeting

Motion: Council Member Drury moved to continue the meeting to consider Item #12.

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	Excused from the Meeting

12. Appointment Process (Corbin Gordon, City Attorney – Approximately 15 minutes) – Discuss amending the Midway City Municipal Code regarding the process for appointing members to commissions, boards, and committees.

Corbin Gordon reviewed the separation of powers in municipal government. He made the following comments:

- The Mayor was the executive branch and City Council was the legislative branch of Midway's government,
- The Mayor had the power to make appointments.
- The City Council wanted to participate in the nomination process. However, the Council had no say in nominations. They could simply approve or deny a nomination. The Mayor would make another nomination if the first was denied.
- This process was governed by state statute.

Council Member Orme made the following comments:

- Was concerned that State Code now gave the Planning Commission more control over development.
- Was worried that a future mayor would "stack" a planning commission with members that had a certain viewpoint.

Mayor Johnson indicated that a council could always vote down a mayor's nomination. Katie Villani added that the Planning Commission's powers did not increase, but it now made recommendations to staff instead of the council. Michael Henke noted that the planning commission now only considered a development once instead of twice.

Corbin Gordon recommended that no changes be made to the current appointment process.

Motion: Council Member Orme moved to continue the meeting to consider Item #13.

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	Excused from the Meeting

13. IT Services / Award Contract (Brad Wilson, City Recorder – Approximately 15 minutes) – Discuss and possibly award a contract for managed IT services for Midway City.

Council Member Drury made the following comments:

- Recommended IT Now for selection as the City's new managed IT provider.
- The City Attorney and Mayor were reviewing the contract.
- If the company was purchased or its service changed, then the City could exit the contract.
- Recommended that the Council allow the Mayor and City Attorney to finalize the contract and if needed come back for approval.

Nancy Simons noted that \$40,000 had been included in the budget for work on the City's Wi-Fi. She asked if that would still happen. Council Member Drury responded that was a different budget item.

Motion: Council Member Drury moved to award the IT services contract to IT Now with the cost as specified in the packet with the following conditions:

- The City Attorney and Mayor continue to finalize the red lines in the agreement.
- They were given the authority to accept the red lines or bring the agreement back to the Council if necessary.

Second: Council Member Orme seconded the motion.

Discussion: Council Member Simons asked if the onboarding fee could be negotiated. Council Member Drury responded that the other proposals that did not have an onboarding fee had

higher monthly costs. He added that the onboarding fee covered some of the cost that would allow the City to exit the contract in one year. He noted that it was a substantial cost to onboard a customer.

Council Member Simons asked if Council Member Drury knew the company. Council Member Drury responded that the company was local with its office in Pleasant Grove. He added that its support desk was local.

Council Member Simons noted that IT had been a frustration for two years.

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

14. City Council / Midterm Vacancies (Corbin Gordon, City Attorney – Approximately 20 minutes) – Discuss the process for filling midterm vacancies on the City Council.

Corbin Gordon gave a presentation regarding midterm vacancies and made the following comments:

- There would be a vacancy on the council when Council Member Simons became mayor.
- The City could require that interested candidates fill out an application that included specific questions.
- The position had to be vacated before the vacancy could be noticed.
- The vacancy would occur on 5 January 2025 at noon.
- If Council Member Simons resigned sooner, then the noticing and related process would begin sooner.
- Questions on the application would keep interviews focused.
- Asked that the Council provide potential questions to him.
- Council Member Simons could vote on his replacement.
- Suggested giving each applicant a certain amount of time to speak to the Council.

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

15. Closed Meeting

A closed meeting was not held.

16. Adjournment

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

The meeting was adjourned at 10:16 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder



Midway

**ORDINANCE
2026-05**

**AN ORDINANCE TO REPEAL ORDINANCE 2025-27 TO
RETRACT THE TRANSIENT RENTAL OVERLAY
DISTRICT TO EXCLUDE THE PROPERTY AT 71 SOUTH
200 WEST.**

WHEREAS, there was passed and adopted Ordinance 2025-27 by the City Council of Midway City on November 18, 2025, a copy of which is attached hereto as Exhibit A; and

WHEREAS, on or about November 18, 2025, the City Council of the City of Midway City adopted Ordinance No. 2025-27 (“Prior Ordinance”), which amended the City’s zoning regulations to expand the Transient Rental Overlay District to include the property located at 71 South 200 West (the “Property”); and

WHEREAS, during the public meeting at which the Prior Ordinance was considered, representations were made to the City Council that all surrounding or affected neighbors supported or did not object to the inclusion of the Property within the Transient Rental Overlay District; and

WHEREAS, such representations were material to the City Council’s consideration and approval of the Prior Ordinance; and

WHEREAS, subsequent to adoption of the Prior Ordinance, the City has received credible information demonstrating that the representations regarding unanimous or general neighbor approval were inaccurate and incomplete, and that one or more affected neighbors did not, in fact, consent to or support the expansion of the Transient Rental Overlay District to include the Property; and

WHEREAS, the City Council finds that the decision to adopt the Prior Ordinance was based, at least in part, upon materially false or misleading information presented during the public process; and

WHEREAS, the City Council has the inherent legislative authority to reconsider, amend, or repeal prior ordinances when it determines that such ordinances were adopted based upon material misrepresentations or when necessary to protect the public interest; and

WHEREAS, the City Council finds that repealing the Prior Ordinance is necessary to preserve the integrity of the City’s legislative process, ensure transparency and accuracy in public decision-making, and protect the health, safety, and welfare of the residents of the City;

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

Ordinance 2025-27, adopted on or about November 18, 2025, expanding the Transient Rental Overlay District to include the property located at 71 South 200 West, is hereby repealed in its entirety.

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

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

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

APPROVED:

Craig Simons, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)

DRAFT

DRAFT

Exhibit A

DRAFT



ORDINANCE 2025-27

AN ORDINANCE TO EXPAND THE TRANSIENT RENTAL OVERLAY DISTRICT TO INCLUDE THE PROPERTY AT 71 SOUTH 200 WEST CURRENTLY ZONED R-1-7.

WHEREAS, the owners of the property at 71 South 200 West, Mark and Wendi Richard and Dallin Twilliger, have requested that their property be added into the Transient Rental Overlay District ("TROD"); and

WHEREAS, the 0.24 acre property is currently zoned R-1-7, is contiguous to the TROD and the C-2 zone; and

WHEREAS, the Midway City General Plan states that TROD boundaries should not expand beyond current boundaries to help preserve available long-term housing supply and to help preserve Midway as a community filled with permanent residents that will help preserve Midway's community feel; and

WHEREAS, transient rentals will help generate more transient rental taxes for the City and will help the City qualify to collect the Resort Tax; and

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

The Midway City Land Use Map shall be amended as follows:

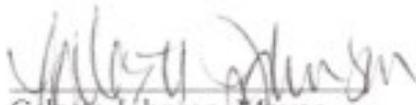
The property at 71 South 200 West shall be included in the Transient Rental Overlay District.

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

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah this 18th day of November 2025.

Council Member Jeff Drury	<u>Aye</u>
Council Member Lisa Orme	<u>Aye</u>
Council Member Kevin Payne	<u>Nay</u>
Council Member Craig Simons	<u>Aye</u>
Council Member JC Simonsen	<u>Excused</u>

APPROVED:


Celeste Johnson, Mayor

ATTEST:


Brad Wilson, City Recorder

APPROVED AS TO FORM:


Corbin Gordon, City Attorney





Certificate of Passage, Posting and Publication

I certify that on 18 November 2025 the Midway City Council adopted Ordinance 2025-27 (TROD Amendment).

I certify that a copy of the ordinance was deposited in the office of the municipal recorder.

I certify that a summary of the ordinance was posted on 11 December 2025 at the following locations:

Midway City Office Building
Midway Community Center
United States Post Office (Midway)
The Market Express
7-Eleven (Midway)

I certify that a summary of the ordinance was published on the Utah Public Notice Website on 11 December 2025.

I certify that a summary of the ordinance was also published on Midway City's website on 11 December 2025.


Brad Wilson, Midway City Recorder

Dated 11 December 2025

