

# Midway City Council Regular Meeting

## Meeting Minutes

### 1. Call to Order

Mayor Craig Simons called the Midway City Council Regular Meeting to order on Tuesday, February 17, 2026, 6:00 PM, at the Midway Community Center, 160 West Main Street, Midway, Utah.

Mayor Craig Simons, Council Member Andy Garland, Council Member Lisa Orme, Council Member Andrew Osborne, Council Member Kevin Payne, Council Member JC Simonsen, Planning Director Michael Henke, Mayor's Assistant Camille Palmer, Budget Director Nancy Simons, Treasurer Jennifer Sweat, Planner Katie Villani, and Recorder Brad Wilson attended.

#### a. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Craig Simons.

#### b. Prayer and/or Inspirational Message

The prayer was offered by Council Member Andrew Osborne.

### 2. Consent Agenda

Mayor Simons summarized the consent agenda items.

Motion by Council Member Andy Garland to approve the consent agenda, including the updated minutes. Seconded by Council Member JC Simonsen. Motion passed unanimously (Garland – Aye, Orme – Aye, Osborne – Aye, Payne – Aye, Simonsen – Aye).

### 3. Public Comment

Mayor Simons opened the floor for public comment on items not on the agenda. No members of the public came forward, and the public comment period was closed.

### 4. Department Reports

#### a. Legislative (Katie Villani, Planner)

Before Ms. Katie Villani began her legislative report, Deputy Police Chief Branden Russell of the Heber City Police Department provided a brief update.

Ms. Katie Villani then reported on the legislative session, noting that more than halfway through the session, over 900 bills had been submitted and only 13 business days remained. She highlighted several pieces of legislation of concern to the city:

House Bill 501 – Water Modifications: Ms. Villani explained that this bill would require municipalities to raise water and/or wastewater rates to pay a fee to the state as a

condition of receiving state infrastructure funding. For municipalities which operate both water and wastewater systems, the proposed fee formula would be 3% of the median adjusted gross income multiplied by the number of connections (approximately 900). She noted that the original bill would have routed collected funds to the state for redistribution elsewhere, prompting significant opposition including a letter from Mayor Simons. A substitute bill has since been issued that would allow funds to remain with the local municipality, but she noted the city still could not easily opt out without forfeiting state infrastructure funding. She confirmed that secondary water is now exempt under the substitute. Council Member Andy Garland noted that the Division of Drinking Water was seeking replacement revenue as federal funding diminishes, and that a separate fee had been pushed back to 2027. Ms. Villani confirmed the League of Cities and Towns is vigorously opposing this legislation.

**Senate Bill 97 – Property Tax Limitations:** Ms. Villani described this bill, sponsored by Senator McKay, which would cap property tax increases at 5%, change the definition of locally assessed new growth, and restrict municipalities from increasing taxes if their reserve fund ratio exceeds 25% of the general fund. She noted that more than two-thirds of municipalities that reported back, including Midway, hold reserves above 25%. Additional provisions would restrict the use of property tax funds for capital improvement reserves. Ms. Villani stated the League continues to oppose this bill, and that substitute language was expected but unlikely to be acceptable to municipalities.

**Truth in Taxation Legislation:** Ms. Villani described proposed legislation by Representative Peterson that would require municipalities to notify the public of a proposed tax increase earlier in the year—in May and early June—and produce two separate budgets: one reflecting the proposed increase and one without it, with a holding period before any new funds could be spent. She noted the most likely outcome is a requirement for a single budget with an addendum showing the impact if the increase does not pass.

**House Bill 184 – Preferred Land Use / Single-Family Development:** Ms. Villani described this bill as one of the most concerning, noting it would require cities to allow development on lots of at least 5,400 square feet classified as preferred single-family land use with minimal application requirements—potentially just a written description. A substitute bill now limits its application to counties of the first, second, or third class. Wasatch County is currently a fourth-class county, but Ms. Villani noted the county would likely reach third class soon. She highlighted that the bill would prohibit cities from requiring architectural or engineering drawings, plat maps, or compliance with setbacks beyond minimum fire and safety codes, effectively overriding local zoning. She also noted that the state has not offered any liability waiver to municipalities. Recorder Brad Wilson asked whether the bill would apply to both planning and building permit processes, and Ms. Villani confirmed it would. The League is actively opposing this bill. Ms. Villani closed by directing council members to the Utah League of Cities and Towns Bill Tracker for further information.

#### **b. Financial Report (Nancy Simons, Budget Director)**

Budget Director Nancy Simons noted the December financial statement was available for review and pointed out that public works wages had been distributed among various departments. She advised that the upcoming budget amendment approval would true up the actual budget amounts, after which she would issue an updated financial statement. No questions were raised by the council.

## **5. Financial Statements / Audit Report**

Accountant Katie Giddons of Child Richards presented the fiscal year 2025 financial statements via remote screen share.

Regarding the balance sheet for governmental funds, she highlighted a notable increase in cash of approximately \$1,400,000 in the general fund, while other funds saw more modest changes.

On the profit and loss statement for governmental funds, Ms. Giddons noted that the general fund brought in approximately \$8,000,000 in revenues against expenditures of just under \$5,000,000, yielding a net profit of approximately \$3,400,000 before transfers. After transfers, the net change in the general fund balance was approximately \$1,700,000. The capital projects fund showed a net gain of approximately \$244,000.

For the business-type funds (water, ice rink, and souvenir shop), Ms. Giddons flagged that the water fund's water stock increased by approximately \$2,300,000. She noted all three funds showed operating losses but explained that depreciation was a significant factor—for the water fund (\$693,000 in depreciation) and the ice rink. She clarified that when depreciation is excluded, the water fund and ice rink would have shown positive operating results. The souvenir shop's operating loss was not primarily attributable to depreciation. Council Member Andy Garland asked about the depreciation schedules used, and Ms. Giddons confirmed that all assets are depreciated on standard schedules, with water distribution assets carrying longer useful lives.

Auditor Ben Probst of Gilbert and Stewart, CPAs then presented the audit results. He described the audit process as involving the collection of supporting documentation, review of selected transactions, and third-party confirmations sent to the state tax commission and county to verify sales tax and property tax receipts. He read the audit opinion, which stated that the financial statements present fairly, in all material respects, the financial position of Midway City as of June 30, 2025, in accordance with U.S. generally accepted accounting principles—representing an unmodified (clean) opinion.

Mr. Probst also addressed the report on compliance and internal controls required by the State Compliance Audit Guide. He noted one finding: Midway's fund balance exceeded the state's threshold of 35% of total annual revenue by approximately \$434,000 as measured at fiscal year-end on June 30. He clarified in response to Council Member Andy Garland that this was a point-in-time measurement, not a daily or ongoing threshold. In response to Council Member Garland's question about the fraud risk assessment, Mr. Probst confirmed that while the score was low, the existing workaround controls were satisfactory, and no significant issue was identified. Mr. Probst thanked Ms. Simons and city staff, as well as Child Richards and Ms. Giddons for their timely cooperation throughout the process.

Ms. Simons asked Auditor Probst to confirm whether the city could transition to fully electronic billing documentation going forward. Mr. Probst confirmed this was acceptable as long as documentation was scanned and uploaded in accordance with state requirements.

## 6. Resolution 2026-06 / FY 2026 Budget Amendment

Budget Director Nancy Simons confirmed that the budget amendment presented was identical to what the council had reviewed at the strategic planning meeting, with the exception of a \$200 adjustment to name badges.

Council Member Andy Garland raised a concern that approximately \$3,200,000 was sitting in a Grand Valley Bank account not earning any interest. Treasurer Jennifer Sweat

acknowledged that the balance was higher than typical for that account and confirmed it needed to be moved back. Council Member Andy Garland noted the transfer was straightforward and referenced an earlier discussion from the strategic planning meeting.

Mayor Simons opened the public hearing. No members of the public came forward, and the public hearing was closed.

Motion by Council Member Andy Garland to approve Resolution 2026-06 adopting the FY 2026 Budget Amendment as presented, with a note that fund balances should be monitored. Seconded by Council Member JC Simonsen. Motion passed unanimously (Garland – Aye, Orme – Aye, Osborne – Aye, Payne – Aye, Simonsen – Aye).

Ms. Sweat indicated that the funds transfer to Public Treasurers' Investment Fund could occur as early as that evening.

## 7. Ordinance 2026-06 / Wildland Urban Interface Modifications Code and Maps

City Planner Katie Villani introduced the item, noting it had been previously reviewed at the prior council meeting. She introduced representatives from the Wasatch Fire District present to assist: Fire Chief Eric Hales, Fire Warden Troy Morgan, and Fire Marshal Clint Neerings.

Ms. Villani explained that three distinct elements were originally proposed but were refined during the presentation:

**State FFSL High-Risk WUI Map:** Ms. Villani initially described this as something the city needed to adopt, explaining that the state's map—created pursuant to House Bill 48 from 2025—identifies high-risk wildland urban interface areas (shown in red) that are subject to a state-assessed fee, and that property and casualty insurers may only rely on this map when determining high-risk WUI areas. County Fire Warden Troy Morgan clarified that the city is not required to formally adopt this map—it is set by the state Division of Natural Resources and applies automatically. He also clarified that the associated fees are not for fire suppression but rather to fund the administration of the risk-reduction program. Ms. Villani confirmed this element would be removed from the ordinance. In response to a question from Ralph Carpenter of the Cascades at Soldier Hollow HOA board, she acknowledged that the gap between the state high-risk area and that neighborhood would be revisited when discussing the Midway-specific WUI map.

**Utah WUI Building Code:** Ms. Villani explained that cities are required to adopt the Utah Wildland Urban Interface Code. She proposed language in the ordinance to automatically update the adopted code whenever the state adopts a new edition, avoiding the need for council action each time. She noted that the code does not apply to existing buildings but does apply when additions or renovations are undertaken within the WUI boundary. She cited Park City as an example of a city that adopted the code with an amendment limiting its application to additions valued at \$50,000 or more. She confirmed that the city cannot opt out of adopting the code but can include qualifying thresholds. Council Member Andy Garland asked about the enforcement mechanism; Ms. Villani confirmed it would be enforced through the building code by the city's building official.

**Midway WUI Map:** Ms. Villani and Planning Director Michael Henke described the proposed Midway WUI boundary (shown as a yellow line on the map), explaining that this map defines where the WUI building code will be enforced within city limits. The boundary

generally follows definable features such as roads and Snake Creek. Fire Warden Morgan noted that the boundary must follow definable natural or man-made lines and cannot extend outside city limits.

Council Member Kevin Payne questioned the inclusion of Cascades at Soldier Hollow Subdivision, which was surrounded by county land and feature lower density and larger lots, compared to other areas not included. County Fire Warden Morgan noted the county's own WUI map already abuts the city boundary in that area. Mr. Henke explained that the Cascades at Soldier Hollow was included due to its location, the presence of higher vegetation, and the fact that the area carries a structure exposure score of 5 or higher on the state's structure score map.

Fire Chief Eric Hales cited the second substitute of House Bill 41, which states that no WUI area shall be designated below a risk category of 5 unless approved by FFSL. He supported including those areas at the structure exposure score threshold and noted that the state map is a living document that will evolve as density increases.

Council Member Payne pressed further on the inclusion of the Cascades area, noting that from his knowledge on the ground, the density was lower and there was less vegetation relative to other included areas. Ms. Villani acknowledged the tension between state map guidance and local knowledge and noted that other cities have faced similar pushback after including areas with scores below 5. She also mentioned that pending legislation this year may prohibit cities from including areas below a score of 5 in their WUI maps. Fire Marshal Clint Neerings clarified that the county's own maps would abut the city limits, and that the county was in the same process of updating its WUI map for multiple jurisdictions.

Council Member Lisa Orme asked whether the WUI designation could affect homeowners' ability to obtain insurance. Ms. Villani responded that logically higher construction standards should reduce insurance risk, though she acknowledged she could not guarantee insurers would respond that way, and noted the legislation lacks strong enforcement mechanisms against insurers. Council Member Orme noted she personally witnessed fire spread across the hillsides near that area in the past.

Council Member Andrew Osborne stated he would defer to the professionals on including the Cascades area given fire history in the region, the memory of losing two firefighters there in the early 1990s as noted by County Fire Warden Morgan, and his personal experience knowing people who lost homes in the Palisades fire.

The discussion turned to the northern boundary of the map. Ms. Villani noted that the boundary had been adjusted from the county's initial suggestion to more closely follow the smooth structure score colors on the state map, resulting in a somewhat broader boundary than the county originally proposed. Council Member Payne asked where the existing fireworks restriction boundary lay; Mr. Henke confirmed it runs along Burgi Lane and Cari Lane, with fireworks prohibited north of that line.

Council Member Payne moved to approve the WUI code and map with the staffs' proposed findings except #2 and not adopting the state map, the city map modified so the yellow boundary included the Cascades developments, and annexation agreements include the necessary modifications to the city map including language the property owners would be subject to the map. Seconded by Council Member Simonsen. Council Member Garland asked Council Member Payne if he was recommending going against the Fire District's recommendation. Council Member Payne responded that the Cascades at Soldier Hollow had an overall density less than Dutch Fields which was not in the WUI. He also noted that

Dutch Fields was in the fireworks restriction area but not in the WUI. Motion failed (Garland – Nay, Orme – Nay, Osborne – Nay, Payne – Aye, Simonsen – Aye).

Motion by Council Member Andy Garland to accept the map as originally presented, adopting Ordinance 2026-06 with all findings except former finding number 2 (regarding adoption of the state high-risk map), and including the automatic WUI map review upon annexation with appropriate language in annexation agreements.

Seconded by Council Member Lisa Orme. Motion passed (Garland – Aye, Orme – Aye, Osborne – Aye, Payne – Aye, Simonsen – Aye).

Mayor Simons thanked Chief Hales, Fire Warden Morgan, and Fire Marshal Clint Neerings for their participation and service to the community.

## 8. The Reserve at Midway, Phase Two / Plat Map Amendment

Planning Director Michael Henke presented the application submitted by Derek Kohler of Titan Land Surveying on behalf of the property owners, requesting a plat map amendment to combine Lots 14 and 15 at The Reserve at Midway, Phase Two. Lot 14 is 1.01 acres and Lot 15 is 0.99 acres, for a combined total of 2.0 acres. Planning Director Henke explained the proposal would erase the shared lot line, reducing density in the subdivision by one potential home. He noted no letters of concern were received from neighboring property owners within the 600-foot notification radius.

Planning Director Henke confirmed the item did not go to the Planning Commission because minor plat amendments of this type are handled directly by the City Council.

Council Member Andy Garland raised a question about the public utility easement (PUE) running along the shared lot line and whether it would be vacated. Mr. Henke confirmed the PUE would be vacated as part of the amendment, explaining this is standard practice and has never resulted in objections from utility companies. Ms. Villani noted that the statutory language requiring a finding that "no public street right of way or easement will be vacated" has long been interpreted to refer to public street-related easements, not interior PUEs. Mr. Henke confirmed there was no known active utility infrastructure within the easement between the two lots.

Council Member Lisa Orme asked whether the combination could be reversed, and Mr. Henke confirmed that the owner could later return to the council to request re-subdivision, which would be at the council's discretion.

Council Member Andy Garland asked whether the intent was to keep the combined lot open or whether accessory structures could be built; Mr. Henke confirmed that any accessory structure permitted by code could still be constructed, but an additional residential dwelling could not.

Council Member Kevin Payne asked why these minor amendments must come to the City Council; Mr. Henke confirmed state code requires this type of amendment to be heard at a public hearing before the City Council.

Council Member Orme asked whether any CC&R provisions or HOA requirements might be affected; Planning Director Henke noted that the HOA dues situation—whether the combined lot would pay one or two sets of dues—is a civil matter outside the city's purview.

Regarding the proposed findings, Council Member Garland suggested removing finding number 3 ("the area will feel more open because of the reduction of the lot"), noting the city cannot know what will be built there.

Mayor Simons opened the public hearing. No members of the public came forward, and the public hearing was closed.

Motion by Council Member Andrew Osborne to approve the plat map amendment submitted by Derek Kohler on behalf of Vincent and Megan Dilly, combining Lots 14 and 15 at The Reserve at Midway, Phase Two, including the proposed findings with the removal of finding number 3, and including the obligatory easement language. Seconded by Council Member Andy Garland. Motion passed (Garland – Aye, Orme – Aye, Osborne – Aye, Payne – Aye, Simonsen – Aye).

## 9. Rocky Mountain Carvers Roundup / TAP Grant

Mike Bolzotti and Eric Burton presented a report on behalf of the Rocky Mountain Carvers Roundup regarding the use of Trails, Arts, and Parks (TAP) grant funds. Mr. Bolzotti organized the presentation around three themes: culture, community, and connectivity.

On culture, Mr. Bolzotti described the Roundup as a celebration of the woodcarving tradition, bringing together skilled carvers from across the country and enriching Midway's identity as a community open to arts and culture. He noted that as part of the event, public open carving sessions are held to share the craft with the broader community.

On community, Mr. Bolzotti highlighted the economic benefits of the event to local businesses. He noted that 75–80% of participants come from out of state, generating significant local economic activity through shopping, dining, and lodging—with over 450 hotel and lodging nights booked locally by participants. He shared testimonials from local businesses including Café Galleria and Hidden Peak Provisions, both of which benefited from coordinated lunch orders and participant traffic during the event.

On connectivity, both Mr. Bolzotti and Mr. Burton shared personal stories illustrating the deep bonds formed within the carving community. Mr. Bolzotti spoke emotionally about attending the Roundup for the first time with his father, who passed away from cancer two years ago. Mr. Burton shared that during a recent Roundup—held around the time he was managing significant medical expenses related to his son's leukemia treatment—the carving community organized carvings for raffle drawings and presented him and his wife with a check from the proceeds. He also noted that a participant who had just lost her home in the Palisades fire still attended the event and was actively involved. Mr. Burton described the Roundup as having already become one of the most nationally recognized carving retreats in the country within fewer than five years, attributing part of that success to the TAP grant.

Council Member Andrew Osborne encouraged the organization to consider increasing the advertising and marketing budget beyond the current \$375 allocation, noting that despite living locally he had heard very little about the event and suggested it warranted greater community awareness.

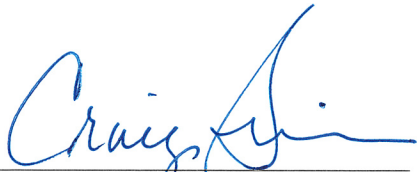
Mr. Bolzotti confirmed the event is scheduled for May 18–22, to be held in Midway. He expressed intent to continue growing the event and to expand youth participation, noting that participants as young as 12 can be introduced to carving with appropriate tools, and that a full-week attendee was as young as 14.

## 10. Closed Meeting

No closed meeting was required.

## 11. Adjournment

Motion to adjourn by Council Member Payne. Seconded by Council Member Orme.  
Motion passed unanimously. The meeting was adjourned at 8:06.



---

Craig Simons, Mayor



---

Brad Wilson, Recorder