

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

**Tuesday, April 7, 2026, 6:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Market at Midway, 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 Simons called the meeting to order at 6:00 p.m.

Members Present

Craig Simons, Mayor
Andy Garland, Council Member
Lisa Orme, Council Member
Andrew Osborne, Council Member
Kevin Payne, Council Member
JC Simonsen, Council Member

Wes Johnson, Engineer
McKay Murdock, Attorney’s Office
Camille Palmer, Mayor’s Assistant
Nancy Simons, Budget Director
Jennifer Sweat, Treasurer
Katie Villani, Planner
Brad Wilson, Recorder

Staff Present

Michael Henke, Planning Director

Note: A copy of the meeting roll is contained in the supplemental file for the meeting.

Mayor Simons led the Council and meeting attendees in the pledge of allegiance. Council Member Garland gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the April 7, 2026 City Council Regular Meeting
- b. Warrants
- c. Minutes of the March 23, 2026 City Council Work Meeting

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

Motion: Council Member Orme moved to approve the consent agenda.

Second: Council Member Garland seconded the motion.

Discussion: None

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

Council Member Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

3. Public Comment – Comments were taken for items not on the agenda.

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

4. Department Reports

Mayor Simons

Mayor Simons reported on the following items:

- Public Works Department
- Geographic Information System (GIS) / Training
- Parks
- Midway Irrigation Company / Website / Pump House
- Heber Light & Power Company (HL&P) / New Building / Budget
- Heber Valley Railroad (HVRR) / Track
- Heber Valley Special Service District (HVSSD) / Dredging
- Document Scanning
- Personnel / Reviews
- America 250
- Water Tanks / Cameras
- City Council / Assignments

Council Member Simonsen

Council Member Simonsen reported on the following items:

- Interlocal Symposium
- Animal Services / Building / Organization
- Parks, Trails, and Trees Committee
- Main Street / Crosswalk

- Dog Park / Shade
- Trail Boardwalks / Repairs
- Burgi Lane Trail / Improvements
- Trail Signs / Installation
- Open Space Committee / Open House
- Provo River Watershed Festival
- Rain Barrels / Grant
- Trails Maintenance / Grant
- Code Enforcement

Financial Report

Nancy Simons reported on the FY 2026 Budget for the month of January and reviewed the following areas:

- New purchasing process
- General Fund revenue and expenditures
- Capital Improvement Project Fund (CIP)
- Souvenir Shop
- Ice Rink
- Overtime
- Productivity

Legislative

Katie Villani gave a presentation on the recently concluded session of the Utah State Legislature.

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

Construction Projects

Wes Johnson gave a presentation on the water line replacement along Burgi Lane. He made the following comments:

- The entire road was failing because of the project.
- Recommended that the entire road along that section be replaced.
- Also recommended that a detached trail be built from the dog park to Center Street.
- He estimated that the additional work would cost \$200,000, which could come from the Water Fund.

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

5. **TAP Tax / Awards** (Camille Palmer, Mayor’s Assistant – Approximately 20 minutes) – Discuss and possibly award Trails, Arts, and Parks (TAP) tax revenue to various applicants.

Camille Palmer reviewed the applications for TAP tax funds and made the following comments:

- The applications had been emailed to the Council.
- One application should not be considered that night because the applicant had a pending request to Wasatch County for the same items.
- \$154,282 was requested and \$100,452 was recommended for approval.
- The request would be funded with the TAP revenue collected during the previous six months with several thousand dollars remaining.
- The same review criteria were used as in previous TAP tax awards.
- The Wasatch Trails Foundation request was \$60,000 but \$20,000 was recommended.

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

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

- The Council should be involved in the review and recommendation process. Council members could rotate through this responsibility.
- The Midway Boosters had their own funds. Why were they requesting money for stained glass windows? They had received funds previously for this project, but they now needed more. Some of the glass for the project was donated.

Motion: Council Member Garland moved to approve the TAP tax funding awards cycle one as presented.

Second: Council Member Orme seconded the motion.

Discussion: None

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

Council Member Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

6. Resolution 2026-07 / Conservation Easements Extension (Lauren Bolger, Hoffman Law – Approximately 5 minutes) – Discuss and possibly approve Resolution 2026-07 extending the deadline for recording conservation easements on Open Space Parcels 1-7 owned by the Homestead Resort located at 700 North Homestead Drive.

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

- History
- Conservation easements

Mr. Henke also made the following comments:

- The easements were required as part of the Homestead Resort’s master plan.
- One extension had already been granted.
- The amount of open space would not be reduced.

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

Lauren Bolger, Hoffman Law and representing the applicants, made the following comments:

- The existing loans were subordinate to the easements, and the lenders were not moving quickly.
- Asked for time to complete several buildings to reduce the amount of the loan, which would facilitate the property to being conserved.

Motion: Council Member Garland moved to approve Resolution 2026-07 a resolution granting a second extension of the deadline for the Homestead Group, LLC, to meet the deadline for filing a conservation easement on open space parcels as was the condition of approval for the Homestead Resort, until October 1, 2026.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Orme asked if there was a limit to the number of extensions. Mr. Henke responded that there were no limits. However, he thought that the easements should be recorded by October.

Ms. Bolger indicated that she requested an extension until June 2027.

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

Council Member Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

- 7. Southill Bistro / CUP and Local Consent** (Megan Dial – Approximately 15 minutes) – Discuss and possibly approve a conditional use permit (CUP) and grant local consent for an alcohol dispensing establishment called Southill Bistro located at 23 North Holly Lane (Zoning is C-2). 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 requests and reviewed the following items:

- Summary
- Proposed location
- Building location
- Process
- Possible findings

- Proposed condition

Mr. Henke also made the following comments:

- Outside seating did not require additional parking if it was less than 50% of the indoor seating.
- The parking requirement for indoor seating was based on the square footage not the number of seats.

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

Megan Dial, applicant, gave a presentation and reviewed the following items:

- Logo
- Restaurant name
- Building
- Chef Fretz
- Menu
- Hours
- Outdoor seating

Ms. Dial also made the following comments:

- There were sheep on the property.
- Breakfast and lunch would be served.
- There would be seating for 45 customers inside and 30 outside.

Wes Johnson noted that a properly sized outside grease trap would need to be installed.

Public Hearing

Mayor Simons opened the hearing and asked if there were any comments from the public. He closed the hearing when no public comment was offered.

Motion: Council Member Osborne moved to approve the conditional use permit and local consent for an alcohol dispensing establishment called Montblu in the Southhill development located at 23 North Holly Lane (C-2 zone) with the following findings and condition:

- 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.
- 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.

- 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 commercial uses in the C-2 zone.
- The subject site was physically suitable for the type and density/intensity of the proposed use. Special events would need to receive the proper City permitting/approval and comply with Midway City Code, including but not limited to light and noise ordinances.
- 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.
- The proposed license would allow the sale of alcohol at Montblu for on-site consumption.
- The restaurant property was not located within 200' of a public park, school, library, church, or other facility which might limit granting of an alcohol license.
- 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 Main Street.

Second: Council Member Simonsen seconded the motion.

Discussion: Council Member Orme confirmed that the request was just for a restaurant license. Mr. Henke responded that it was only a restaurant license.

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

Council Member Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Council Member Osborne complimented the applicant and developer on the quality of the project including the sheep and underground parking.

- 8. Ordinance 2026-09 / Churches and Places of Worship** (Michael Henke, Planning Director – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2026-09 amending Subsection 16.13.370.A (Commercial and Resort Architectural Requirements) of the Midway City Municipal Code regarding architectural standards for churches and places of worship. Recommended 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:

- History
- Existing churches and architectural elements

- Proposed changes
- General Plan
- Possible findings

Mr. Henke also made the following comments:

- Recommended architectural standards for future churches and houses of worship.
- The proposal included houses of worship which would include any religious structures.
- The Planning Commission unanimously recommended the ordinance.

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:

- Did any other types of buildings such as public or quasi-public buildings need to be included? It would be wise to include civic buildings.
- Midway City did not have any control over schools.
- It had control over its own buildings.
- It had a good relationship with Wasatch County and could influence the architecture of any of its buildings in Midway.
- Someone should have to apply to deviate from the architectural standards.
- The visual architectural committee (VAC) should make recommendations to the Council.

Public Hearing

Mayor Simons opened the hearing and asked if there were any comments from the public. He closed the hearing when no public comment was offered.

Motion: Council Member Garland moved to approve the code text amendment to Subsection 16.13.370.A (Commercial and Resort Architectural Requirements) requiring houses of worship and civic buildings to have the same architectural standards as commercial buildings.

Discussion: Council Member Payne asked if “civic buildings” was inclusive enough. Mr. Henke responded that it may be too inclusive.

Second: Council Member Payne seconded the motion.

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

Council Member Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

9. Ordinance 2026-07 / Discharge of Fireworks (City Attorney – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2026-07 prohibiting the discharge of fireworks within the Midway City limits.

McKay Murdock reviewed the areas in the City regulated by the proposed ordinance. He also made the following comments:

- The ordinance would restrict the use of fireworks in Midway City.
- Utah State Code restricted the dates of fireworks use. The ordinance would apply just to those dates.
- The State Code also limited the areas where a local government could restrict fireworks use.
- The ordinance was as restrictive as possible.

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

- Fireworks would be prohibited 50 feet from any structure. This would preclude them from almost everywhere in Midway.
- Fire risk was less in the center of Midway.
- Some communities established certain locations where fireworks could be used. The Town Square could not be used that year because the Utah Symphony would perform there on Independence Day.
- A map would clarify where fireworks could be used.
- The ordinance should not prohibit the community sponsored fireworks on Memorial Hill, nor should it allow the public to light fireworks on Memorial Hill.

Motion: Council Member Garland moved to continue consideration of the proposed ordinance until the next regular council meeting.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

10. Resolution 2026-10 / Cemetery Operational Suspension (City Attorney – Approximately 15 minutes) – Discuss and possibly approve Resolution 2026-10 continuing an operational suspension of the sale of cemetery plots in the Midway City Cemetery.

McKay Murdock reviewed the proposed process and form to transfer burial spaces. He made the following comments regarding the proposed resolution:

- The City was trying to address various issues in its cemetery.

- Only people with legal authority should transfer rights to burial spaces.
- The resolution was broad in scope.
- The City needed something from a requestor to show they had authority to act on behalf of the owner of the burial space.

Council Member Orme made the following comments:

- Her grandparents bought two spaces in the City's cemetery. Someone who she did not know was buried in one of them. Found out that the person was her grandfather's sister's great granddaughter.
- Her parents bought spaces for all their children. These spaces were still in her father's name and not in a trust. Wanted to put them in her name and then they could be divided among her siblings.
- Someone might not be buried in the cemetery because it would take too long to go through the probate process.
- The probate process was too cumbersome.
- All future deeds should have a beneficiary listed.

Mayor Simons made the following comments:

- Cemetery spaces that had not been used within 60 years could be reclaimed by the City.
- Another six months were needed to resolve these issues.
- The issues should be resolved before the new cemetery section was opened.

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

- Requiring unanimous consent of all heirs was troublesome.
- The City needed to be indemnified.
- Moving a body should not be at the City's expense.
- The City should not be the final arbiter for burial spaces.
- Court rulings could be appealed.
- The City should be proactive and determine how other cemeteries resolved the same problems.
- Should the cemetery be privatized?
- The proposed resolution adopted regulations for the cemetery while the agenda stated only that the current moratorium was being extended.
- The intent was to extend the moratorium and not adopt new regulations.

Motion: Council Member Simonsen moved, as stated on the agenda for that evening's meeting, to approve Resolution 2026-10 with the following findings and conditions:

- The resolution would extend the cemetery operational suspension that Midway City already had in effect and was scheduled to terminate that day, which was different from what was provided to the Council, if there was any legal way to do so.
- The extension would be for six months.
- The intent of the agenda item was to extend the operational suspension.
- The resolution provided to the Council established requirements for those who had legal authority for internment, transfer, and the use of burial rights in the Midway City Cemetery. This resolution needed additional review and discussion and would come back to the Council at its first regular meeting in May, after addressing some of the

questions raised that evening for further discussion.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

11. Resolution 2026-11 / Ameyalli C-PACE Documents / (Theddi Chappell, SRS – Approximately 10 minutes) - Discuss and possibly deny, continue, or approve Resolution 2026-11 adopting various documents for Ameyalli, located at 800 North 200 East, to utilize Commercial Property Assessed Clean Energy (C-PACE) financing.

Mayor Simons indicated that the resolution would not be considered that evening.

12. Closed Meeting to Discuss the Purchase, Exchange, or Lease of Real Property

A closed meeting to discuss the purchase, exchange, or lease of real property was not held.

13. Closed Meeting to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual

Motion: Council Member Orme moved to go into a closed meeting to discuss the character, professional competence, or physical or mental health of an individual.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Council Member Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Note: Pursuant to Utah Code Ann. § 52-4-206 the closed meeting was not recorded nor were written minutes kept. An affidavit affirming the purpose of the meeting is contained in the supplemental file.

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 Garland	Aye
Council Member Orme	Aye
Council Member Osborne	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

14. Adjournment

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

The meeting was adjourned at 9:01 p.m.



Craig Simons, Mayor



Brad Wilson, Recorder