

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

**Tuesday, May 5, 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 6:01 p.m. He excused Council Member Simonsen

Members Present

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

Staff Present

Michael Henke, Planning Director
Wes Johnson, Engineer
Camille Palmer, Mayor's Assistant
Nancy Simons, Budget Director
Brad Wilson, Recorder

Members Excused

JC Simonsen, Council Member

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. Andrew Osborne gave the prayer and/or inspirational message.

2. Consent Agenda

- a. Agenda for the May 5, 2026 City Council Regular Meeting
- b. Warrants
- c. Minutes of the April 21, 2026 City Council Regular Meeting

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

Mayor Simons read the consent agenda.

Motion: Council Member Garland moved to approve the consent agenda as presented.

Second: Council Member Osborne 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	Excused from the Meeting

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

Kevin Payne, Council Member

Council Member Payne reported on the following items:

- Updating the interlocal agreement for affordable housing
- Open space open house
- Heart of Midway open space preservation

Andy Garland, Council Member

Council Member Garland reported on the following items:

- Restrictions on the pressurized irrigation system
- Water rights for Southill and the Homestead Resort
- Ice rink

Wes Johnson, Engineer

Mr. Johnson reported on the water line project along Burgi Lane.

Financial Report

Nancy Simons gave the monthly financial report.

A budget meeting was scheduled for Wednesday, May 13th, at 4 p.m. in the upstairs conference room of the Midway City Office Building.

Land Use

Michael Henke gave a presentation on the proposed updated flood plain maps for Midway City. He reviewed the following items:

- Overview
- Proposed maps
- Comment period
- Adoption timeline

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

Lisa Orme, Council Member

Council Member Orme reported on Beautification Day.

Craig Simons, Mayor

Mayor Johnson reported on America 250.

- 5. Innovative Harbor / Conditional Use Permit** (Michael Henke, Planning Director – Approximately 20 minutes) – Discuss and possibly grant a conditional use permit for Innovative Harbor an adult daycare proposed for 15 South 700 East (Zoning is C-2). Recommended for approval 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 request and reviewed the following items:

- Land use summary
- Location
- Mixed use
- Pictures
- Discussion items
- Parking
- Parking for vans
- Parking for the daycare

Mr. Henke also made the following comments:

- A conditional use permit (CUP) was required because of the need to pick up and drop off clients.

- The property included an existing CUP.
- Adults with disabilities would live in the house.
- The applicant was going through the state approval process.
- The daycare would be in the detached structure.
- The garage would include three parking spaces for employees.
- Wanted to avoid more parking than was needed.
- The Municipal Code did not limit the number of clients. However, the number could be limited as part of the CUP.
- The Federal Fair Housing Act prohibited limitations on the residence portion of the facility.
- An approval could be conditioned upon reevaluating the parking if it became an issue.

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

Jonathan Burton, applicant, made the following comments:

- Families had to go to Park City for a similar service.
- The daycare would operate from 9 a.m. to 3 p.m. with some evening activities.
- The capacity of the facility would be determined by the State. The determination would not be based on the square footage of the facility. Did not anticipate that the State would allow more than 20 clients.
- Was requesting up to 20 clients including residents.
- Would have up to eight residents.
- The program would be community based with the facility as a hub. It would include events, arts and crafts, skills, and adventures.
- The facility would be for female clients.
- The facility would allow clients to be near their families.
- The daycare portion of the facility would not need visitor parking.
- Estimated that there would be five to six employees.
- Two external parking spaces were also available for employees.
- Employees could also carpool.

Council Member Garland noted that visitors parked on the street for a residence.

Council Member Osborne liked the business and indicated that it provided a great service. He invited the company to bring its clients on a fieldtrip to a council meeting.

Public Hearing

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

Diane Moore

Ms. Moore made the following comments:

- Her daughter was a client of the applicant's company.

- Having a program locally meant a lot.
- The company was responsible and commendable.
- Was the former director of licensing for the State.

Erin Sabey

Ms. Sabey made the following comments:

- Had two daughters that were clients.
- The program was supportive, helpful, and helped the clients generalize skills. It also gave her time for her other children and herself.

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

Motion: Council Member Osborne moved to approve the conditional use permit for the daycare located at 17 South 580 East in the C-2 zone with the parking as presented and the following findings:

- The proposal was a conditional use in the C-2 zone.
- The property was approved as mixed-use in 2020.
- The adult daycare could host up to 20 participants, which included the residents of the on-site home. The state would inspect the facility and determine the maximum number of participants based on state code.

Second: Council Member Garland seconded the motion.

Discussion: Council Member Payne asked if the motion needed to include a condition that parking could be reevaluated if it became a problem.

Mayor Simons noted that the Planning Commission recommended certain hours of operation. He asked if that should be included in the motion. Council Member Orme asked why the hours should be limited. She noted that the City had a noise ordinance which could apply.

Amended Motion: Council Member Osborne moved to approve the conditional use permit for the daycare located at 17 South 580 East in the C-2 zone with the parking as presented and the following findings and conditions:

- The proposal was a conditional use in the C-2 zone.
- The property was approved as mixed-use in 2020.
- The adult daycare could host up to 20 participants, which included the residents of the on-site home. The State would inspect the facility and determine the maximum number of participants based on state code.
- The hours of operation could be from 9 a.m. to 10 p.m. with the evening hours being the exception not the rule.
- The number of clients, including residents, would be limited to 20.
- Parking could be reevaluated if it became a problem.

Discussion: Council Member Garland asked if it would be a residential facility with people at the location 24 hours a day. He asked what was being limited. Mr. Henke clarified that the City

could not limit the residential portion of the facility with the exception of capping the number of residents to 8. He indicated that it could place limits on the daycare. He agreed that the hours of use were limited just to the outbuilding.

Second: Council Member Payne seconded the amended 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	Excused from the Meeting

- 6. Hidden Peak Provisions / Conditional Use Permit and Local Consent** (Michael Henke, Planning Director – Approximately 10 minutes) – Discuss and possibly grant a conditional use permit and local consent to Hidden Peak Provisions, located at 93 West Main Street, to expand its liquor license to include the sale of wine and hard cider (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 request including proposed conditions. He also made the following comments:

- The CUP would be expanded to include wine and hard cider.
- Customers would have to purchase food to have alcohol.
- The expansion of the liquor license would also require state approval.
- Thought that the businesses' signs were now in compliance.

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

Sarah Farrell, applicant, indicated that the restaurant made its food from scratch and sourced from local providers.

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 expand the previously granted conditional use permit, for an alcohol beer only dispensing establishment and granting local consent to sell alcohol beer, to sales of wine and hard cider in addition to beer. The restaurant was located at 93 West Main Street and was in the C-2 zone. Council Member Garland included the following conditions:

- No alcohol related signage would be visible on the exterior of the building or on the inside, visible from the outside, from Main Street or 100 West.

- All noncompliant signs, including but not limited to the existing neon window sign and parking lot A-frame sign, would be removed/remedied as a condition of any approval with the Planning Director verifying compliance.

Second: Council Member Osborne 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	Excused from the Meeting

- 7. The Homestead Golf Cottages and Homes / Preliminary Approval** (Michael Henke, Planning Director – Approximately 20 minutes) – Discuss and possibly grant preliminary approval for The Homestead Golf Cottages and Homes located at 700 North Homestead Drive (Zoning is R-1-15). 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 project and reviewed the following items:

- Land use summary
- Location of the project
- Master plan
- Lot line adjustment
- Discussion items
- Parking
- Renderings
- Water board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- There was a limit to the number of keys and the amount of impervious surface. The proposal was under these limits. More buildings could be proposed.
- Access would be through The Links at Homestead with a recorded easement.
- The Homestead deeded land to The Links to allow for greater density.
- The road in the project was almost completed.
- The proposed cottages would be accessed by walking or golf cart from Homestead Resort and not the road through The Links.
- Emergency services could access the project from Fairway Drive and Mountain Springs Drive.
- Excess parking remained.
- Spoke to several neighbors about the project.

- The section of Fairway Drive that went into the project was too narrow for parking.

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

Public Hearing

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

Stacy Reader

Ms. Reader asked if the cottage guests had to call for a golf cart every time they wanted to go somewhere. She indicated that some cottage guests might park on Fairway Drive instead.

Tom Zick

Mr. Zick made the following comments:

- Mountain Springs Drive and Fairway Drive should only be used for emergency egress.
- The emergency egress to the north had been landscaped.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- A landscaping plan would be provided for final approval.
- The owners of the Homestead did not want its guests to use or park on Mountain Springs Drive. They would notify guests not to use it and tow their vehicles if necessary.
- Dedicated parking spaces were added to the project to prevent guests from parking in The Links.
- The gravel road going to the north was not an emergency access and did not meet fire standards.

Council Member Osborne explained that the Planning Commission suggested landscaping to prevent cottage guests from using Fairway Drive.

Ben Shakespear, applicant, made the following comments:

- The amount of time that a unit owner could stay at the project was restricted.
- The cottages would be limited to one-night stays.
- The houses might have a limit of three-night stays.

Motion: Council Member Garland moved to grant preliminary approval for a resort development to be known as The Homestead Golf Cottages and Homes, which was in the Homestead Hotel Condominium Lot 2 of the Homestead Master Plan located at 700 North Homestead Drive in the R-1-15 zone, with the following findings and conditions:

- The proposal would benefit the City financially by creating a greater tax base.
- The proposal would help the City better comply with State requirements regarding the ability to collect the resort tax.
- The proposal complied with requirements as described in the master plan.
- The proposal complied with newly adopted setback requirements for structures bordering dedicated golf course open space.
- All lighting in the proposal would comply with current Midway requirements.
- All required parking for each building and use would be completed before the certificate of occupancy was issued for each building in the proposal.

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	Excused from the Meeting

- 8. Ordinance 2026-13 / Cottage Industries** (Michael Henke, Planning Director – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2026-13 amending Title 16 of the Midway City Municipal Code to allow cottage industries as a permitted use in certain zones. Recommended for approval 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. He reviewed the history of the proposal and made the following comments:

- Cottage industries would be added to each zone
- The proposed ordinance needed to be corrected because it listed the R-1-22 zone twice, did not list the R-1-23 zone, and the commercial chart needed to be updated. Council Member Payne found these corrections.

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

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 Orme moved to adopt Ordinance 2026-13 regarding cottage industries for clean up and to include the changes identified by Council Member Payne.

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	Excused from the Meeting

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

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

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	Excused from the Meeting

Note: As allowed by Utah Code Ann. § 52-4-206 the closed meeting was recorded but written minutes were not kept. Access to the recording must be obtained through a court of law.

Motion: Council Member Garland moved to go out of the closed meeting.

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	Excused from the Meeting

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

The meeting was adjourned at 7:45 p.m.



Craig Simons, Mayor



Brad Wilson, Recorder