MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Tuesday, June 16, 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

Staff Present

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Camille Palmer, Mayor's Assistant
Nancy Simons, Budget Officer
Jennifer Sweat, Treasurer
Brad Wilson, Recorder

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. Mayor Simons also gave the prayer and/or inspirational message.

2. Consent Agenda

- **a.** Agenda for the June 16, 2026 City Council Regular Meeting
- **b.** Warrants
- **c.** Minutes of the May 26, 2026 City Council and Planning Commission Meeting
- **d.** Minutes of the June 2, 2026 City Council Regular Meeting
- **e.** Resolution 2026-16 adopting a certified property tax rate for Midway City

Note: Copies of items 2a, 2b, 2c, 2d, and 2e 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 Simonsen 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

Council Member Payne indicated that Midway's property tax rate had decreased by 60% over several years with his property taxes only increasing by 6%.

Mayor Simons indicated that the City did not need to increase property taxes.

Council Member Simonsen made the following comments:

- Property taxes should be kept low but increased as needed.
- The voters approving the two open space bonds was an act of faith.
- Midway City was not responsible for the valuation of property.

3. Department Reports

Craig Simons, Mayor

Mayor Simons complemented Council Member Osborne on the Memorial Hill flag event.

Mayor Simons indicated that the wood floor in the Town Hall had been refinished. He added that it could be refinished two more times.

Parks, Trails, and Trees Committee

Nancy O'Toole, a member of the Parks, Trails, and Trees Committee, reported on the following items:

- Repairing boardwalks
- Grant for trails maintenance

- Trail signage
- Warm Springs Trail
- Grant for Gardner Legacy Preserve

Law Enforcement

Branden Russell, Heber City Deputy Police Chief, reported on the following items:

- Independence Day preparations
- Enforcement along Main Street detours
- Protecting the Memorial Hill flags

Wes Johnson, City Engineer

Mr. Johnson reported on the following items:

- Burgi Lane
- Road striping

Vision Architecture Committee

Michael Henke reported on the following items:

- Overview of committee responsibilities
- Examples
- Composition
- Town architect
- Involving the Council

4. **Resolution 2026-14 / FY 2027 Budget** (Nancy Simons, Budget Officer – Approximately 15 minutes) – Discuss and possibly approve Resolution 2026-14 adopting the fiscal year 2027 budget for Midway City.

Nancy Simons reviewed changes since the tentative budget was adopted. She indicated that $400,000 was added to the north Center Street trail project. She added that the budget would be amended quarterly.

Motion: Council Member Garland moved to approve Resolution 2026-14, a resolution of the City Council of Midway, County of Wasatch, adopting the Fiscal Year 2027 Budget 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

5. **Resolution 2026-13 / FY 2026 Budget Amendment** (Nancy Simons, Budget Officer – Approximately 30 minutes) – Discuss and possibly approve Resolution 2026-13 amending the fiscal year 2026 budget for Midway City. **Public Hearing** - Public comment must be related to this item on the agenda.

Nancy Simons made the following comments regarding the proposed amendment:

- The amendment had been reviewed with the Mayor and department heads.
- Tax revenue was softening.
- Licenses and permits were down.
- Road funds were up.
- Zoning and development fees were down.
- Burials and assessments were down.
- Park rentals were up.
- $750,000 in grant money had been received for the trail along north Center Street.
- Grant money for the activity building was on hold.
- Public works wages had been divided among departments.
- Wages and benefits for the Visitors' Center needed to be increased.
- The Municipal Building Authority budget needed to be increased by $25.

Brad Wilson did not know why tax revenue was softening. He noted that the businesses around the Town Square were busy. He noted that online sales were a significant source of sales tax revenue and wondered if they had decreased.

<u>Public Hearing</u>

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 Resolution 2026-13 a resolution of the City Council of Midway City, County of Wasatch, Utah amending the Fiscal Year 2026 Budget as amended in the presentation that evening.

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	Aye

6. **Lundin Property / Revised Documents** (Corbin Gordon, City Attorney – Approximately 60 minutes) – Discuss and possibly approve revised documents related to the Lundin property located at 900 West Bigler Lane and its preservation as open space.

Corbin Gordon gave a presentation regarding the width of the access easement. Mr. Gordon also made the following comments:

- Progress was being made but the documents had not been finalized.
- The width of the emergency access easement could not be 20 feet in all areas because of cutting into the side hill and existing vegetation. It was now proposed for eleven feet.
- The property was vested under the current Wasatch County Code.
- The open space proposal would not be considered at the county council meeting the following day.
- Language regarding the trail and access had been removed from the conservation easement. It was proposed that the language be in a separate document.
- New language regarding the Natural Resources Conservation Service (NRCS) had been proposed.
- Should the trail and access be abandoned if it prohibited funds from NRCS?
- The City would agree to indemnify the Lundins regarding the trail and access. The City had immunity from liability.

Nora Lundin made the following comments:

- NRCS prohibited new roads on conserved open space.
- Her family had worked on preserving the property for six years.
- They were naïve and thought that the trail would be easy at the time.
- The City forced the location of the trail.
- What could be restored and where could a residence be built on the property? NRCS said that 2% of the surface could be in a building envelope.
- The Midway Irrigation Company had an easement where the trail and access were planned. The Company could remove any fence installed in the easement.
- The funding had to be $7.5 million.
- Wasatch County would not allow a loan.
- The access could only be nine feet wide without improvements.
- The City Attorney would only give the City 400 feet on the east side of the property for a building envelope.
- Wildlife came down onto the property for water. NRCS said that wildlife could not be prohibited on the property.
- What if dogs damaged their livestock while their owners used the trail? Her family would make claims against the City.
- Worried that accepting the trail would also be accepting liability. How would that be policed?
- A Midway resident recently had four sheep killed by a dog.
- Any fence along the access had to be with the easement.
- Did not want bikes on the trail.
- Vegetation was a problem along the access.
- Liked horses and might have a horse-riding business.

- The City should not decide when the family could use any gates.
- Did not want to abandon the preservation project because of the trail but the issue was important to them. Would not allow the trail if it was prohibited by NRCS.
- Did not want to be the person that prevented the project.
- Did not want to make any mistakes.
- The emergency access was easy.
- The trail should be higher on the hill.

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

- The trail and access should be abandoned if it prohibited NRCS funds.
- The City used its best efforts to obtain the trail and access.
- If someone or their pet was off the trail, then they were trespassing.
- Preserving the property as open space was a good thing and good for the Lundin family.
- All parties needed to complete the project.
- The Lundins were being heard.
- The City wanted the property to be open space. It wanted the most value for the taxpayer's money. It also wanted the Lundins to continue farming.

Mayor Simons made the following comments:

- The Lundin's concerns should be noted and discussed further.
- The documents should show what had been agreed upon.
- Never heard an official say they did not want the property preserved.

Motion: Council Member Simonsen made the following motion:

- The item be continued.
- The City would work with the Lundins to try to understand their concerns.
- A new document would be prepared that addressed the Lundin's concerns and the City's hopes.
- The new document would allow the Lundins to continue to do what they wanted to do with their property as far as agricultural operations.
- The new document would not endanger the federal funding.

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

7. **Resolution 2026-15 / Sunburst Ranch PUD Master Plan Amendment** (Michael Henke, Planning Director – Approximately 10 minutes) – Discuss and possibly approve Resolution

2026-15 adopting a master plan amendment for the Sunburst Ranch PUD located at 1232 West Swiss Alpine Road (Zoning is R-1-22 and RA-1-43).

Michael Henke gave a presentation regarding the request and made the following comments:

- The amendment was reviewed by the Council at its last meeting.
- The City Attorney prepared the agreement.
- The developer wanted the City to maintain any trails which had a public easement.
- The City only needed an easement on the trail going to the Lundin property. It would maintain that section of trail.
- Some trails were not used by a lot of Midway residents.
- Other developments maintained their trails even if they had a public easement.
- The City would not maintain the roads in the project.
- Some issues would be addressed with the preliminary and final approvals.

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

Corbin Gordon reviewed the following items in the amendment:

- Density
- Total number of units
- Housing type
- Open space
- Roads
- Public trail easement
- Amenities and landscaping
- Items from a letter between the developer and the HOA.

Mr. Gordon also made the following comments:

- Language could be added regarding the needed emergency access.
- The amendment only covered Sunburst Ranch, Phase 3.

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

- How would the City enforce the items from the letter? Would it take someone to court or just deny a building permit?
- Some people wanted the City to enforce any agreements between a developer and an HOA.
- The City should not enforce an agreement between two private parties.
- PUDs were allowed to be higher density because they had private roads.
- There was a drainage issue that affected everyone in the area. All parties needed to work together to solve the problem. The issue was caused by Swiss Mountain Estates and not Swiss Alpine Road.
- The proposed amendment was a legislative or discretionary decision by the Council. The Council could add conditions to the approval. This would not be the case for preliminary and final approvals.
- Historically runoff from Swiss Mountain Estates pooled on the southwest corner of the property. Sand and gravel should be removed from the runoff before it entered the

property. Swiss Mountain Estates had a basin to remove the sand and gravel, but it needed to be cleaned regularly.

- The access through the development and then through the Lundin property was needed for safety. The associated trail could be moved higher up the hill and connected to Lucerne Drive.
- The City did not bully people.
- A trail separated from the emergency access was an advantage. Bikes should be allowed on the trail.
- There was time before final approval to finalize the trail.
- The development should come back to the Council for preliminary and final approval.

Motion: Council Member Garland moved to approve Resolution 2026-15, a resolution of the Midway City Council approving and authorizing execution of the Sunburst Ranch Planned Unit Development, Phase 3 Master Plan Amendment Agreement, with the following conditions:

- The changes that had been discussed that evening and noted by the City Attorney.
- The development would come back to the Council for preliminary and final approvals.

Second: Council Member Osborne seconded the motion.

Discussion: Council Member Payne asked if the drainage issue needed to be addressed. Council Member Garland questioned if the City could bind the developer to fix that problem. Wes Johnson added that the problem had been solved but the associated sump needed to be better maintained.

Council Member Simonsen recommended an amendment to the motion that required the property owners to continue to accept the storm water as they always had subject to the approval of the City Engineer. Mr. Gordon responded that the developer or property owners did not cause the problem so they could not be required to fix it.

Council Member Garland noted that sand and gravel were the problem and not the water. Mr. Henke indicated that Swiss Mountain Estates had to maintain its infrastructure.

Council Member Payne pointed out that the applicant could always develop under the original master plan.

Withdrawal: Council Member Garland withdrew his motion.

Motion: Council Member Simonsen moved to approve Resolution 2026-15 adopting the Sunburst Ranch PUD Master Plan Amendment with the following findings and conditions:

- Including the earlier discussion with the City Attorney. The City Attorney took notes on the discussion.
- Adjusting Section 12.1 to clarify that general runoff off the hill, as had happened for decades, would be included and still needed to be handled.
- It was normal for developments to handle water that historically entered the property in a way that met engineering standards. That was a requirement of the approval.
- The item would come back before the City Council for preliminary and final approvals.
- The final plans for drainage, trail alignment, etc. be accomplished in the final plans as

opposed to the master plan.

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	Aye

8. **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.

Traffic on 100 West

Linda Weinstein made the following comments:

- Semitrucks started making deliveries at 6:45 a.m. at the restaurants on her street.
- Trash dumpsters were also moved early in the morning which was annoying.
- Trash dumpsters needed to be enclosed.
- Sometimes residents could not get out onto the street because of the delivery trucks and traffic.
- Raised the issue several times before with the City.
- Delivery trucks and traffic were also a problem on 200 West.
- Double yellow lines and no U-turn signs were not effective.
- Children on the street could be hurt.

Mayor Simons made the following comments:

- A council work meeting was planned to address the issue.
- Several roads had these problems.
- There was not an easy solution.

Council Member Simonsen asked if the City's noise regulations could help with the problem. Michael Henke responded that the noise level could increase at 7 a.m. He suggested that the hours for the noise and construction regulations be aligned.

No further comments were offered.

Motion: Without objection, Mayor Simons recessed the meeting at 8:01 p.m. He reconvened the meeting at 8:08 p.m.

9. **Network / Award Contract** (Brad Wilson, City Recorder – Approximately 15 minutes) – Discuss and possibly award a contract for the build out and refresh of Midway City's computer network cabling and Wi-Fi.

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

- Included buildings and areas
- Number of proposals sent and received
- Cost comparison
- Weighted scores

Council Member Simonsen made the following comments:

- The least costly proposal included leased equipment.
- The cabling would be owned by the City.
- The two proposals received were comparable.
- Some overhead cabling was included.
- Recommended that the cables be longer than needed to accommodate future expansion and changes.
- The least costly proposal included a dashboard that would be accessible by the City and its managed service provider. It would allow some management of the network components.
- The least costly proposer agreed to provide reliable coverage.

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

- The City's internet provider
- Overhead lines should be limited.
- Coordination between the proposer and the managed service provider.

Mayor Simons made the following comments:

- Met with both proposers.
- Was comfortable with the least costly proposal.
- Leasing the equipment would keep it current.
- The project would provide Wi-Fi access for Swiss Days.

Motion: Council Member Garland moved to award the network contract to CVE.

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. Closed Meeting (As needed) - Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation.

Motion: Council Member Garland moved to go into a closed meeting to discuss pending or reasonably imminent litigation.

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: Closed meeting minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

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

Second: Council Member 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

11. Adjournment

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

The meeting was adjourned at 9:23 p.m.

Craig Simons, Mayor

Brad Wilson, Recorder