Midway
C.A.R.E.S.

Memo

Date: August 10, 2026

To: Mayor, City Council, and Staff

Cc: File

From: Brad Wilson, City Recorder

RE: Minutes of the August 4, 2026, City Council Meeting

Please note that the following minutes await formal approval and are in draft or unapproved form.

75 North 100 West, P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223 Fax: 435-654-4120

MINUTES OF THE
MIDWAY CITY COUNCIL
(Regular Meeting)

Tuesday, August 4, 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 Community Development 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 (Arrived later in the meeting)
Michael Henke, Community Development Director
Wes Johnson, Engineer (Arrived at 6:07 p.m.)
Camille Palmer, Mayor's Assistant
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. Michael Henke gave the prayer and/or inspirational message.

2. Consent Agenda

- **a.** Agenda for the August 4, 2026 City Council Regular Meeting
- **b.** Warrants
- **c.** Minutes of the July 21, 2026 City Council Work Meeting
- **d.** Minutes of the July 21, 2026 City Council Closed Meeting

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

Mayor Simons read the consent agenda

Motion: Council Member Orme moved to accept all the items on the consent agenda as put forth.

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

Note: Council Member Simonsen abstained from voting on the minutes because he was not present at that meeting.

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

Mayor Simons noted that he and the Council received a letter from Annette McRae a candidate for Utah State Senate District 20. The letter said that Ms. McRae wanted to speak during the public comment period. He indicated that she was not present.

4. Department Reports

<u>Brayden Powers, Heber City Police Department</u>

Officer Powers reported on the following items:

- Introduced Noah Roylance a new officer with the Department.
- Introduced Copper a new canine with the Department.
- Portable speed indicating signs, which also collected data, could be put in Midway.

Note: Wes Johnson arrived at 6:07 p.m.

<u>Lisa Orme, Council Member</u>

Council Member Orme reported on the following items:

- Destination Midway (Formerly the Midway Business Alliance)
- Historic Preservation Committee

Andrew Osborne, Council Member

Council Member Osborne reported on the following items:

- Planning Commission and its discussion of the commercial zones
- Council involvement with the vision architecture process
- Midway Boosters
- Swiss Days

Brad Wilson, City Recorder

Mr. Wilson gave an update and presentation on General Fund revenue.

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

Craig Simons, Mayor

Mayor Simons indicated that the Council was emailed the most recent financial statement. He indicated that they could contact Nancy Simons if they had any questions.

Mayor Simons also reported on the new high school and the related open house.

Kevin Payne, Council Member

Council Member Payne questioned the accuracy of the rates on the recently received property tax notice. Mr. Wilson responded that he would work with Wasatch County and the State Tax Commission to resolve the issue.

5. **Resolution 2026-18 / Legislative Development Agreement for Workforce Housing** (Copper Jenkins – Approximately 20 minutes) – Discuss and possibly approve Resolution 2026-18 adopting a legislative development agreement for workforce housing located at 41 West Main Street.

Note: Michael Henke gave a presentation regarding the proposed resolution. A copy of the presentation is contained in the supplemental file for the meeting.

The City Council discussed using a Legislative Development Agreement (LDA) for the first time in Midway as a tool to create workforce/affordable housing. Staff explained that an LDA allows the City and a property owner to negotiate housing requirements and incentives outside normal zoning constraints when doing so provides a community benefit. The discussion was framed by Midway's General Plan and the 2022 Midway Mobility Study, both of which identify a significant shortage of affordable housing. Staff noted that rapidly increasing property values, water costs, construction costs, and demand for second homes and vacation properties make it difficult for affordable housing to develop without intervention.

Proposed project. The proposal involves finishing the basement of an existing commercial building near the Market Express gas station and Maya's Restaurant into approximately six workforce-housing apartments. The basement was previously plumbed for six units but never completed. The applicant indicated that the units would generally be studios or one-bedroom apartments, with rents initially calculated to be around 55% of Area Median Income (AMI) including utilities. The applicant estimated approximately $150,000–$200,000 in construction costs per unit.

City incentives considered. Potential City participation could include leasing municipal and industrial (M&I) water at a low rate, covering building permit or related fees, and—more significantly—allowing additional residential density through the LDA. Staff estimated six units would require approximately 3.72 acre-feet of water, compared with roughly 50 acre-feet of M&I water currently available. Property taxes cannot legally be waived by the City. The Council also discussed requiring repayment of subsidies or dedication of water rights if the apartments eventually convert to market-rate housing.

Affordability concerns. Council members questioned whether the proposed rents were sufficiently below market to constitute meaningful workforce housing. Council Member Payne advocated targeting a lower AMI, properly adjusting rents according to unit and household size, and potentially creating additional, smaller units to reduce rents. He emphasized that subsidized units should be income-restricted and prioritized first for Midway service and essential workers, followed by other qualifying Midway workers and, if necessary, qualifying Wasatch County workers.

Long-term restrictions and enforcement. The applicant proposed a 20-year deed restriction, but several Council members considered that too short. A minimum of 30 years and potentially 55 years was discussed, with some members expressing a preference for an effectively permanent solution. The Council also raised concerns about tenant eligibility, occupancy, unauthorized subletting, and ensuring units actually serve the intended workforce population. Annual compliance monitoring was suggested, with the property owner responsible for associated costs.

Conclusion. The Council was generally supportive of the concept of creating workforce housing at this location, but was not prepared to approve the agreement as presented. Members felt the draft agreement was incomplete and needed substantial revision, particularly regarding affordability levels, deed-restriction duration, tenant eligibility, compliance, City subsidies, repayment provisions, and the possibility of additional/smaller units. Mayor Simons recommended using this proposal as a model for establishing the City's broader approach to future affordable-housing agreements, with additional work between the applicant, staff, and Council Member Payne before the matter returns to the Council.

Motion: Council Member Garland made the following motion:

- The item be continued.
- The pending agreement be refined.
- Mr. Gordon, Council Member Payne, and the applicant work together to try to achieve some of the Council's goals.

Second: Council Member Osbourne seconded the motion.

Discussion: Council Member Osbourne requested data on other low income and workforce housing in the area including Heber City and Park City. He indicated that this data would assist the Council, so it was not creating something from scratch.

Amended Motion: Council Member Garland made the following amended motion:

- The item be continued.
- That the pending agreement be refined.
- Mr. Gordon, Council Member Payne, and the applicant work together to try to achieve some of the Council's goals.
- Data be provided to the Council regarding other low income and workforce housing in the area.

Second: Council Member Osbourne 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	Aye

Motion: Without objection, Mayor Simons recessed the meeting at 7:24 p.m. He reconvened the meeting at 7:36 p.m.

6. **Ordinance 2026-21 / C-2 and C-3 Zones** (Michael Henke, Community Development Director – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2026-21 amending Section 16.05 (Commercial C-2 and C-3 Zones) of the Midway City Municipal Code regarding the C-2 and C-3 zones. Recommended for approval by the Midway City Planning Commission. **Public Hearing** - Public comment must be related to this item on the agenda.

Note: Michael Henke gave a presentation regarding the proposed ordinance. A copy of the presentation is contained in the supplemental file for the meeting.

The City Council reviewed proposed amendments to the C2 and C3 commercial zoning regulations, intended to implement the 2022 General Plan and better define the desired character of Main Street. The primary objective was to move away from zero-lot-line development and establish a more open, small-town appearance with individual buildings, landscaping, and preservation of existing historic structures. The proposed distinction would make C3 the more compact, walkable commercial core, while C2 would retain a more rural Main Street character with greater setbacks, landscaping, and limits on development intensity. The

City is also considering expanding the C3 zone along the south side of Main Street to First East through a separate rezoning process.

Setbacks and preservation of existing buildings. Proposed C3 standards include a 20-foot front setback, required side and rear setbacks, and a 30-foot structural setback from residential zones. C2 would have more substantial requirements, including a 30-foot front setback, 20-foot side setbacks, and a 30-foot rear setback. Council members expressed concern that these requirements could make some narrow C2 parcels difficult to redevelop without combining properties, potentially creating unintended pressure toward larger developments. Staff clarified that existing legal nonconforming homes could remain and could generally be converted to permitted commercial uses without meeting the new setbacks, while additions would have to comply. This flexibility was viewed as important for encouraging preservation rather than demolition of older buildings.

Development intensity and landscaping. C2 properties would be limited to 70% impervious surface, requiring the remaining 30% to be landscaped, and building footprints would generally be limited to approximately 30% of the lot area. These provisions are intended to prevent properties from being dominated by buildings and pavement and to maintain more open space. Council members discussed whether these standards would function realistically alongside parking requirements, with staff noting that some projects may need smaller buildings if sufficient parking cannot otherwise be provided.

Parking and rural character. A substantial discussion occurred regarding whether gravel parking should be permitted in some circumstances to reinforce Midway's rural character and reduce extensive paving. Some members favored allowing properly engineered gravel parking, particularly for smaller or employee parking areas, while others emphasized maintenance, drainage, dust, snow removal, and the need to accommodate increasing visitor traffic. The Council ultimately recognized that detailed parking-surface requirements are addressed elsewhere in the code and should be considered separately.

Building design standards. The Council generally supported requiring street-facing walls to be broken up rather than allowing long, uninterrupted building façades. The proposal would require a substantial stagger after approximately 40 feet of street-facing wall, with discussion favoring a 10-foot setback variation and additional language establishing how long the stagger must continue. The Council also wanted discretion to approve alternative designs when they accomplish the same architectural objective. A new requirement that approximately 30% of street-facing façades contain windows, doors, panels, or similar architectural features also received general support.

Roof and architectural appearance. Members supported screening rooftop mechanical equipment and discouraging visually dominant roof colors, but agreed the proposed language should simply prohibit “vivid colors” rather than specifically identifying red, yellow, and blue. Roof pitch generated considerable discussion because the Council wanted to encourage traditional or rural architecture without preventing creative designs such as gambrel roofs or lower-pitched porch roofs. Direction generally favored establishing an average minimum pitch—ultimately discussing approximately 9:12—while allowing the Council to approve alternatives when warranted. Covered porches would have greater flexibility.

Illustrative design guidance. The Council supported incorporating visual examples into the code to help property owners and architects understand the desired Main Street character. Members emphasized that these images should be clearly identified as illustrative guidance only, not preapproved designs or mandatory architectural templates.

Conclusion and next steps. Although staff received substantial direction for revising the ordinance, the Council determined it should not be adopted immediately. Members were concerned that affected C2 and C3 property owners should have adequate notice and an opportunity to understand and comment on the changes. Staff recommended allowing the separate C2-to-C3 rezoning process to proceed, notifying affected property owners, conducting the required Planning Commission and City Council public hearings, and potentially holding an informal community meeting. The revised commercial code and rezoning could then return together for consideration, giving property owners additional time to understand the proposed regulations before adoption.

Motion: Council Member Garland moved to table the item pending work on rezoning but complete it before the end of the calendar year.

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

7. **North Homestead Water Line Replacement / Award Contract** (Wes Johnson, City Engineer – Approximately 10 minutes) – Discuss and possibly award a contract for the replacement of a water line along the north section of Homestead Drive.

The City Council discussed awarding the North Homestead/Cottages on the Green waterline project following receipt of five bids. Silver Spur submitted the lowest bid at $2,358,890, approximately $541,000 below the second-lowest bidder. Staff recommended Silver Spur based on both price and the City's previous positive experience with the contractor.

Budget and project-cost concerns. Council Member Garland raised concerns that the total anticipated project cost, once engineering and inspection expenses are included, appeared to exceed the amount approved in the City's budget. He also noted that no clear contingency was identified for unforeseen conditions or changes and questioned whether the City was adequately accounting for potential additional expenses before proceeding. Staff explained that the construction bid itself was below the combined amounts budgeted for the two waterline components, but acknowledged additional inspection and engineering expenses. The original budget figures were based on preliminary engineering estimates prepared before final design and bidding.

Contingencies and potential overruns. The Council discussed previous projects where additional work resulted in budget amendments and emphasized the importance of distinguishing necessary unforeseen expenses from discretionary additions to a project. Staff acknowledged that conditions such as pot rock, groundwater, and imported material cannot be predicted precisely but stated that estimates were developed using experience from the previous South Homestead project and included additional quantities intended to provide some protection against those conditions.

Construction timing and road-closure impacts. Several Council members expressed significant concern about beginning another road project after a summer of construction and closures on Main Street, Burgi Lane, and other routes. Members described substantial community road-closure fatigue and questioned whether work on Homestead Drive should begin immediately. Staff explained that the project cannot be completed this year and that UDOT generally restricts work on Homestead Drive beginning around October 15.

Potential phased approach. Discussion increasingly favored awarding the contract while adjusting the construction schedule. One option was to complete the Cottages on the Green portion, particularly work associated with the golf course, this year and postpone disruptive work along Homestead Drive until spring. The bid anticipated that construction could extend into the following year, and contractors had been informed that work might stop and restart. Council members generally supported avoiding simultaneous major road closures provided phasing the project would not materially increase the contract price.

UDOT coordination. Because Homestead Drive is a state road, staff discussed continuing conversations with UDOT regarding scheduling and construction requirements. Previous requests for UDOT financial participation had been rejected because the project involves a City waterline. Staff nevertheless planned to ask again whether UDOT could provide flexibility regarding requirements such as flowable fill and potentially the seasonal construction window.

Infrastructure replacement. The project also includes nine new fire hydrants and replacement of associated water-service infrastructure. Staff explained that existing hydrants have experienced corrosion and leakage, and that replacing hydrants, service laterals, meter cans, fittings, and valves while the new waterline is exposed has proven more reliable over the long term. Existing waterline infrastructure would generally be abandoned in place and capped or plugged.

Conclusion. The Council appeared supportive of proceeding with Silver Spur's favorable bid but wanted the construction schedule and financial exposure carefully managed. The emerging direction was to secure the contractor while exploring a phased schedule that would accomplish less-disruptive golf-course/Cottages on the Green work first and defer significant Homestead Drive impacts until spring. At the same time, staff was expected to clarify project costs, coordinate the schedule with Silver Spur and UDOT, and minimize additional road closures and avoidable project additions.

Motion: Council Member Simonsen moved to award the contract for the north Homestead water line replacement to Silver Spur for $2,358,890 with the following conditions:

- Direct staff to work out the best schedule to avoid more frustrating road closures, especially that year, and avoid multiple closures.
- Complete the project as efficiently as possible.
- Authorize the Mayor to sign the contract.

Second: Council Member Payne seconded the motion.

Discussion: Council Member Garland indicated that the contract amount was not the complete cost and inspection fees were not included. He recommended that the fees be capped at 3% of the contract amount and are not increased if the contract amount is increased.

Amended Motion: Council Member Simonsen moved to award the contract for the north Homestead water line replacement to Silver Spur for $2,358,890 with the following conditions:

- Direct staff to work out the best schedule to avoid more frustrating road closures, especially that year, and avoid multiple closures.
- Complete the project as efficiently as possible.
- Authorize the Mayor to sign the contract.
- Cap the inspection fees at 3% of the contract amount and that they are not increased if the contract amount increases.

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	Aye

8. **Audio Visual Systems / Award Contract** (Brad Wilson, City Recorder – Approximately 20 minutes) – Discuss and possibly award a contract for the installation and maintenance of audiovisual systems in the Midway City Office Building and the Midway Community Center.

Note: Brad Wilson gave a presentation regarding the proposed contract. A copy of the presentation is contained in the supplemental file for the meeting.

The City Council reviewed proposals for upgrading audio visual systems in the City Council chambers and several City conference/meeting rooms. The RFP was distributed broadly, including directly to 13 companies, and eight proposals were received. Proposals varied substantially in installation cost and ongoing support. They were evaluated using weighted criteria for qualifications, work process, references, and cost, with Atkinson Sound receiving the highest overall score. Staff initially recommended Atkinson based on that evaluation.

Adequacy of the proposed systems. Council Member Simonsen questioned whether the highest-ranked proposal would actually meet the City's needs, particularly in the Council chambers. He felt some proposed equipment was undersized or otherwise inadequate and noted that the Council had not sufficiently discussed what functionality it wanted before issuing the RFP. Other proposals presented similar uncertainty: some appeared more comprehensive but potentially more expensive, while the lowest-cost proposal lacked enough detail to determine whether it would be adequate. Given the potential expenditure, members generally agreed that the City should better define its requirements before committing to a system.

Service and ongoing support. The RFP intentionally emphasized ongoing technical support rather than simply purchasing and installing equipment. Council Member Orme expressed confidence in Atkinson Sound based on previous experience and the company's responsiveness, and members noted that Atkinson provides services to other local government organizations. However, the Council recognized that vendor familiarity and service quality were only part of the decision and that the equipment itself still needed to satisfy the City's operational requirements.

Procurement concerns. Members discussed whether asking bidders to revise their proposals after seeing publicly available bid information could create procurement concerns. One suggestion was to reject the existing proposals and restart the process with a more clearly defined scope rather than allowing individual bidders to tailor their existing submissions. The Council also discussed whether incomplete proposals should be considered nonresponsive. Legal counsel indicated that the Council is not strictly required to select the highest-scoring respondent, although choosing another bidder should be supported by clear reasons.

Defining the City's needs. The Council agreed that requirements should be established separately for each meeting space, including appropriate display sizes, connectivity, public-meeting functionality, and ADA accessibility. The Council chambers were viewed as the most complex space and likely require additional discussion and possibly site evaluations by vendors. Members emphasized that the ultimate selection should consider the complete package—equipment, functionality, service, support, and cost—rather than relying exclusively on a numerical scoring formula.

Conclusion. The Council's direction was to delay selecting a vendor and more clearly define the desired AV systems before proceeding. Members favored further discussion of the City's specific needs for each room and then determining the appropriate procurement approach, potentially including revised proposals or a new solicitation. The goal is to ensure the City purchases a system that meets its long-term operational and accessibility needs while providing reliable ongoing support and appropriate value.

Motion: Council Member Orme moved to continue the item to the next council meeting to add more definition.

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

9. **Closed Meeting** (As needed) - Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation, Purchase, Exchange or Lease of Property and/or the Character, Professional Competence or Physical or Mental Health of an Individual.

A closed meeting was not held.

10. Adjournment

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

The meeting was adjourned at 9:31 p.m.

______________________________	______________________________
Craig Simons, Mayor	Brad Wilson, Recorder