



Memo

Date: September 10, 2026
To: Mayor, City Council, and Staff
Cc: File
From: Brad Wilson, City Recorder
RE: Minutes of the September 1st, 2026, City Council Regular Meeting

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

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Tuesday, September 1st, 2026, 6:00 p.m.
Midway Community Center, City 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 (Arrived at
6:06 p.m.)

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

Staff Present

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. Brad Wilson gave the prayer and/or inspirational message.

2. Consent Agenda

- a.** Agenda for the September 1st, 2026, City Council Regular Meeting
- b.** Warrants
- c.** Minutes of the August 18th, 2026, City Council Work 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 Garland moved to approve the consent agenda 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

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.

East Main Street and Homestead Drive / Paving / Drainage

Jim Becker questioned whether recent paving on Homestead Road and East Main Street meets state smoothness standards and asked when a final, smoother overlay would be completed. Wes Johnson responded that both projects had approved smoothness criteria, noting that portions of Homestead Road were ground after paving. He said a seal coat is planned for next summer from Main and Center to Wasatch Mountain State Park, which should provide a renewed road surface. Becker also reiterated drainage concerns on Homestead Road; Johnson confirmed the issue had been forwarded and would be raised again at an upcoming meeting with the Utah Department of Transportation (UDOT).

No comments were offered.

4. Department Reports

Law Enforcement

No report was given.

Parks, Trails, and Trees Committee

Michael Henke reported that the Parks, Trails, and Trees Committee has met every other month this year and recently oriented new members on current open-space and trail projects. Brian Klass from the Building Department will support the committee's meetings in the future.

The committee identified several priorities for the coming year, including Burgi Hill Park, upgrades to trail signage throughout town, and potential improvements to the 11-acre Hamlet open-space parcel, where the town holds a public-access easement. Recommendations for the Hamlet property may be presented to the City Council.

Note: Council Member Simonsen arrived at 6:06 p.m.

Committee members generally supported Carl Berg's landscaping plan for Burgi Hill Park, although further comments may be submitted. Wes Johnson recommended reevaluating the plan because recent berm construction, grading, and placement of clay and topsoil have changed the site's conditions. Michael Henke agreed that the committee should consider this new information.

Vision Architectural Committee

Michael Henke reported that the Visual and Architectural Committee reviewed plans to convert the Homestead's former maintenance building near Snake Creek into a spa. The maintenance operations have already moved to a new building west of the creek. The proposed spa uses materials and design elements consistent with both the Homestead's newer buildings and older structures such as the Virginia House. Although the site can be accessed from Pine Canyon Road, guests will generally walk or use golf carts from the main Homestead building.

The committee recommended no changes to the architect's plans, allowing the project to move toward the building-permit stage. Staff also expects to present a code amendment around October 6 that would give the committee responsibility for making architectural-standard recommendations to the City Council rather than staff.

Financial Report

Nancy Simons gave a presentation and introduced a plan to provide the City Council with a general financial summary each month and expressed confidence in the city's financial direction and stewardship of public funds.

The July financial overview included:

- General Fund reserves of nearly \$1 million, with approximately \$484,800 in revenue and \$622,480 in expenditures.
- Capital Improvement Program Fund reserves of nearly \$9 million, with about \$58,000 in revenue and \$56,000 in expenditures.
- Water Fund reserves of \$9.6 million and approximately \$464,000 in revenue. Expenditures appeared negative because of reimbursements from Midway Sanitation District and Midway Irrigation Company.
- Ice Sheet Fund reserves of \$232,467, with interest income and no July expenditures.
- Visitor Center Fund revenue of approximately \$27,007 and expenditures of \$28,549.

Year-end financial statements were distributed to the council, and members were invited to submit questions or request a detailed presentation from the City's accountant. Audit preparation is approximately 98% complete, pending a few remaining items from staff.

Council Member Garland asked about high Public Works Department overtime expenses. Mayor Simons attributed most of the overtime to implementing the Asset Essentials work-order system, addressing more than 100 identified tasks, assuming work previously handled by engineering, and completing projects in city parks.

Note: A copy of Ms. Simons' presentation is contained in the supplemental file.

September Work Meeting

Mayor Simons reported that the council work meeting in September would be held on Monday, September 14th.

- 5. Water Exchange Program** (Corbin Gordon, City Attorney – Approximately 30 minutes) – Discuss the water exchange program which allows the culinary water system to be used for irrigation in certain circumstances.

Mayor Simons indicated that additional preparatory work is needed and the exchange program would not be discussed that evening.

- 6. Town Square** (Michael Henke, Community Development Director – Approximately minutes) – Discuss and possibly approve a plan for the Midway Town Square located at 150 West Main Street.

Note: A copy of slides used during the discussion are contained in the supplemental file.

The City Council continued discussing the unadopted IBI master plan, concentrating on how to preserve a \$600,000 grant designated for an activity building. Although initial comments suggested the city needed to spend nearly \$1.8 million, grant writer Nancy O'Toole clarified that the award requires a 50-50 match: the city must contribute \$600,000 toward a minimum \$1.2 million building project. The larger amount reflected additional features included in the original application.

The current grant deadline is December 15, but the city has requested a six-month extension to June 15, 2027. The funding board is expected to decide the following Wednesday, and approval appears likely. The deadline generally requires project completion, though limited flexibility may be available.

Because time is limited, staff recommended moving ahead with building design and engineering without waiting for adoption of the full master plan. The project must include the activity building, although related phase-one improvements—such as the promenade and relocated parking—could also be considered. Council direction is needed promptly so professional design work can begin. The city previously received \$540,000 of the grant, leaving \$60,000 outstanding.

Michael Henke emphasized the need to define the first phase of the Town Square project and move forward quickly with a grant-eligible building. He also recommended placing the overall IBI master plan and its phasing plan on a future agenda for formal adoption.

Several building options were presented:

- Construct a new building north of and attached to the community center, although the council previously did not reach agreement on this proposal.
- Expand and repurpose the existing chiller building, including new Zamboni storage on its north side. This would prevent the Zamboni from repeatedly crossing and damaging the chiller headers, which have required repairs.
- Build facilities north of the ice rink that could accommodate concessions, skate storage, support rooms, an office, a warming room, and possibly an observation deck.
- Expand the concrete surrounding the rink as part of the broader project.
- Install more permanent interim buildings to replace the seasonal portable structures until long-term decisions are made about the community center and ice-skating facilities.

Staff must confirm whether an interim structure would satisfy the grant requirements. Mr. Henke concluded that prompt council direction is necessary to protect the funding and begin project planning.

Council Member Simonsen presented ideas for refining the Town Square master plan while preserving its overall direction. His priorities included strategically placed trees, protection of the square's historic character, accommodation of Swiss Days, improved connectivity, and flexible year-round spaces. He supported a modest building north of the community center featuring windows, decking, and an open covered area that could serve as a stage, seating area, or gathering space without blocking existing views.

He also proposed expanding the chiller building to provide unheated storage for the Zamboni, skates, and other equipment, helping prevent further damage to the rink's header. Other recommendations included retaining and revitalizing the existing pavilion, moving the rink walkway north, preserving the open southwest lawn, and replacing the proposed fountain area with a flexible space for benches, food trucks, or a portable gazebo.

Simonsen favored relocating parking near the city offices while retaining parking along three sides of the square. He also supported improved pedestrian connections to Centennial Park, potentially including a narrowed street and raised crossing for safety. His primary concern was that the ice rink's current surface is suitable only for ice and must be replaced to support summer activities such as roller skating, dancing, concerts, and movie nights. String lighting and removable shade fabric could further improve year-round use. Overall, he concluded that the existing plan is generally sound but would benefit from targeted revisions emphasizing flexibility, safety, shade, and simultaneous use by multiple groups.

Council members discussed how to move the Town Square project forward under a tight grant deadline. Mayor Simons emphasized incorporating input from younger residents, including the CAPS program, while Council Members Orme and Osborne noted that additional design ideas were still being developed. Parking and the location of the activity building remained unresolved, with Council Member Orme urging the Council to choose an option and proceed.

Council Member Payne cautioned that continued discussion by the full council had contributed to five years of delay. He recommended adopting the professional master plan, relying more

heavily on planners, and avoiding excessive parking or buildings that would diminish the square's openness. He also questioned whether design, permitting, and construction could realistically be completed within approximately nine months and warned against expanding the project beyond its essential needs merely to use grant funds.

Council Member Garland recommended immediately focusing on the chiller building, rink improvements, and the activity building. Grant writer Nancy O'Toole clarified that the city has \$600,000 for a building and \$250,000 for the ice rink. She recommended combining both projects under one contractor to reduce mobilization costs and demonstrate meaningful progress, which could support a future request for additional time.

The council generally agreed to prioritize the ice rink and a functional building supporting rentals, concessions, equipment storage, and rink operations while keeping the scope efficient. Members also supported forming a smaller steering committee—potentially including two council members and planning staff—to refine the proposal, coordinate with an outside design firm, and return with a plan for council approval. Details for the remainder of the square would be addressed later within an overall vision.

Motion: Council Member Garland moved to form a steering committee and seek proposals for an architectural or engineering firm that will help with the redesign or improvements of the ice rink either related to the chiller building or a new building off the Community Center.

Discussion: Council Member Simonsen proposed that he and Council Member Orme be on the steering committee. Mayor Simons agreed.

Second: Council Member Simonsen 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

- 7. Ordinance 2026-24 / TROD** (Michael Henke, Community Development Director – Approximately 15 minutes) – Discuss and possibly adopt Ordinance 2026-24 amending the Midway City Zoning Map to reduce the areas included in the Transient Rental Overlay District (TROD). Recommended for adoption without conditions by the Midway City Planning Commission. **Public Hearing** - Public comment must be related to this item on the agenda.

The council considered reducing the Transient Rental Overlay District (TROD), which permits rentals of fewer than 30 days. The proposal followed direction in the city's general plan not to expand short-term rental areas and would affect 152 properties. Removing properties would prevent new applications, while three licensed rentals and three pending, vested applications could retain their rights as legal nonconforming uses. Such rights may expire if a license lapses for one year.

Proposed areas for removal included Turnberry, Turnberry Woods, Midway Village, Rising Ranch, two properties next to the Ameyalli Resort, a commercial area east of Fox Den Road

and south of Main Street, and properties along 100 South. The Turnberry and Midway Village HOAs supported removal because it would align city zoning with their restrictions against nightly rentals. Residents near Fox Den Road also supported removal due to concerns about introducing rentals into an established residential neighborhood.

Staff recommended leaving Rising Ranch in the TROD because a blanket conditional-use permit provides vested rental rights despite the absence of an active license. Staff also recommended retaining the two Mountain Spa area properties after both owners requested to remain. The three 100 South applicants could proceed under their pending vested applications even if their properties are removed, but future rental rights could lapse if not exercised.

The discussion highlighted competing considerations. Short-term rentals generate income, tourist spending, transient-room taxes, and help the city qualify for an additional 1% resort sales tax representing roughly one-sixth of its budget. However, they can compete with local resorts, disrupt residential neighborhoods, reduce long-term housing availability, and weaken community character. Staff noted that new lodging under development may help sustain the city's resort-tax eligibility. It was also clarified that licensed short-term rentals must include the entire home rather than a separate unit within an owner-occupied residence. The Planning Commission recommended approval as presented, though staff's revised recommendations reflected subsequent public correspondence and legal review.

Public Hearing

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

Jim Becker

Jim Becker supported reducing the Transient Rental Overlay District but noted that grandfathering existing rentals would not provide immediate relief. As a resident located between two short-term rentals in Turnberry, he raised concerns about properties generating 8–12 parked vehicles and the resulting neighborhood disruption. He proposed limiting short-term-rental parking to garage capacity plus no more than two visible outdoor vehicles, with permit revocation after repeated violations. HOA members would be willing to document and report violations.

Michael Henke explained that a later agenda item would clarify the parking ordinance to limit transient rentals to two vehicles outside the unit. He also noted that the city recently adopted a two-strike enforcement policy allowing a rental license to be revoked after two code violations, followed by a one-year waiting period before reapplication. These measures are intended to strengthen enforcement and address neighborhood concerns involving existing rentals.

Chris Blewitt

Chris Blewitt, a property owner and short-term-rental operator in the effected commercial area, supported most of the proposed TROD reduction but opposed removing the commercial area east of Fox Den Road and south of Main Street. He argued that the amendment was intended primarily to correct previous expansions into residential areas and that removing a commercial zone could establish a precedent for future TROD reductions affecting commercial properties.

Blewitt said his property improvements—including removing a structure and adding green space—aligned with the city’s stated goals. He disputed a neighbor’s complaints, acknowledging one early incident involving excessive parking but stating that he promptly revised his rental listing at the city’s direction and had received no further reported violations. He also said other neighbors had supported his operation.

If the council removes the area from the TROD, Blewitt recommended rezoning it to R-1-11 so the action would genuinely support the stated goal of preserving long-term residential housing. Council Member Orme questioned a remark attributed to her and indicated support for retaining the commercial area in the TROD. Staff clarified that another property on the street had operated illegally and faced enforcement.

Blewitt’s existing licensed rental would remain grandfathered if the area were removed. However, he remained concerned that the change would limit future commercial-property rentals and create a process through which individual complaints could prompt further TROD reductions.

Holly Bodily

Holly Bodley asked the council to retain two Ameyalli-area properties within the Transient Rental Overlay District. She explained that both lots were originally part of the resort zone before being rezoned residential for conservation purposes, which also eliminated their subdivision potential.

Although the Bodleys use their property as a permanent residence and have no current plans to offer nightly rentals, they believe removing the designation would reduce the property’s perceived value and eliminate a potential future option. Ms. Bodley also conveyed the other affected owner’s request to remain in the district.

She acknowledged that neighboring short-term rentals can create the same concerns raised by other residents but argued that singling out these two lots would be inconsistent and unfair. Her conclusion was that both properties should retain their existing TROD designation.

Jody Anagnos

Jody Anagnos strongly supported reducing the Transient Rental Overlay District, citing the effects of a neighboring short-term rental on her residential street. She reported recurring concerns involving barking or loose dogs, increased traffic, and excessive parking—including one incident involving approximately 15 vehicles. She emphasized that unlike hotels and resorts, individual rentals lack on-site staff or security, leaving neighbors to handle disruptions.

Ms. Anagnos acknowledged that the existing licensed property would be grandfathered but said several nearby residents oppose its operation. She believes short-term rentals diminish neighboring property values, reduce housing availability for permanent residents, and encourage unlicensed rentals that generate no tax revenue.

She rejected the characterization that her opposition was a personal vendetta, explaining that she had communicated her concerns openly and directly. Her primary concern was preserving a safe, stable neighborhood for families and maintaining Midway’s small-town character and sense of community.

Kevin Ross

Attorney Kevin Ross, representing the developer of the Rising Ranch Subdivision, asked the city to expressly grandfather the development and preserve its short-term-rental rights. He distinguished Rising Ranch from other areas proposed for removal from the Transient Rental Overlay District, stating that it was originally developed within the TROD, has recorded rental rights, and has not been the subject of any complaint.

Ross argued that removing Rising Ranch could violate its property rights and development agreement, potentially constitute a taking, and cause an estimated \$9 million in investment losses. He supported the planning staff's recommendation to retain or grandfather the development. Although litigation remains a possible response, his requested resolution was for the city to formally protect Rising Ranch's existing rights.

Katie Villani

Katie Villani urged the council to remove Rising Ranch from the Transient Rental Overlay District for consistency with the treatment of other residential areas. She disputed the suggestion that the property had generated no complaints, citing neighborhood concerns about loud music, weddings, and increased traffic.

Villani noted that Rising Ranch is not currently licensed as a short-term rental and described its TROD designation as a remnant of its former association with the Homestead Resort. She acknowledged that the property's conditional-use approval may preserve certain rental rights even if it is removed from the overlay.

Her conclusion was that the council should remove Rising Ranch from the TROD now and separately evaluate its conditional-use approval in the future if its operations or compliance with existing conditions warrant further review.

Camille Palmer

Camille Palmer expressed support for removing the Midway Village Planned Unit Development from the Transient Rental Overlay District. She described the subdivision as an isolated short-term-rental area surrounded by residential neighborhoods and indicated that many of her neighbors also favor the change. Her conclusion was that the Council should remove Midway Village from the TROD.

Jackson Herron

Jackson Herron supported retaining short-term-rental zoning, drawing on his experience renting at 30 South 700 East after returning to Utah. He said short-term housing provides an affordable option for people transitioning between permanent residences, introduces newcomers to the community, and enables visitors or prospective residents to contribute to the local economy. His conclusion was that the city should preserve short-term-rental opportunities.

Carol Jarvis

Carol Jarvis, who lives adjacent to Rising Ranch, disputed earlier statements that the property had generated no complaints. She reported repeated neighborhood disturbances, including large parties and weddings, as many as 30 vehicles, loud or offensive music, strobe lighting, and late-night fire-pit use near dry vegetation. She described the conditions as disruptive and potentially hazardous, noting that nearby residents often cannot sleep with their windows open.

Ms. Jarvis also stated that the property appears to be unlicensed and that neighbors have been unable to identify or contact a responsible property manager despite repeated attempts. She later relayed a message from neighbor Cheryl Whiting expressing opposition to the Transient Rental Overlay District and support for Jarvis's concerns. The testimony supported stronger restrictions on Rising Ranch and challenged the claim that its operations have not prompted neighborhood complaints.

Paul Berg

Paul Berg did not take a position on the proposed TROD amendments but provided historical context. He explained that Midway previously considered both citywide short-term rentals and a complete prohibition before adopting the current compromise, which generally permits them near resorts and in commercial zones. In his view, that approach has worked for many years with only minor adjustments.

Mr. Berg asked staff and the council to explain what circumstances now justify reconsidering the established boundaries. He also raised concern that the city's two resort areas are nearing full development, leaving few opportunities to add lodging inventory. Shrinking the TROD could therefore make it harder for Midway to maintain the number of rental rooms needed to support its room-ratio and related tax requirements.

Kevin Ross

Attorney Kevin Ross responded to earlier testimony concerning Rising Ranch. He disputed claims about events at the property, stating that Rising Ranch has not hosted weddings and that its owners provided neighbors with personal contact information for reporting concerns. He reiterated that the property has recorded short-term-rental rights and said the owners are willing to discuss legitimate complaints and consider planting trees to reduce noise.

Ross also questioned whether Ms. Villani's role as both a neighbor and city employee presented a conflict in the review process. City Attorney Corbin Gordon then asked whether Rising Ranch held an active business license, stating that the city had repeatedly sought licensing compliance for several months. Ross did not confirm that an active license existed and suggested the licensing issue was outside the scope of the map discussion.

Mr. Gordon further stated that the city had received numerous complaints about the property, directly contradicting Ross's earlier assertion that no complaints had been made.

Katie Villani

Katie Villani clarified that she no longer works for the city and had not done so for several months. She stated that her earlier comments about Rising Ranch were based solely on her

personal knowledge as a nearby resident, not on information obtained through her former city employment. This directly addressed the suggestion that her testimony involved a current conflict of interest.

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

Mayor Simons explained that the TROD amendment was prompted partly by repeated complaints about Rising Ranch. He cited recurring late-night parties, fire and fireworks concerns, and the property owner's failure to clear vegetation on several lots after receiving notice, which led Public Works to perform the cleanup. He rejected claims that no complaints had been received, stating that multiple neighbors had contacted the city.

After the public hearing closed, Council Member Payne questioned why Rising Ranch was apparently operating short-term rentals without a license and asked whether its conditional-use permit could be reconsidered. Staff confirmed that conditional-use permits may be revoked when supported by a sufficiently strong case. Michael Henke said the City had attempted to resolve the complaints through verbal and written communication and had now referred the matter to the City Attorney to begin enforcement.

Council Member Payne requested a legal review of the conditional-use permit, and City Attorney Corbin Gordon agreed to conduct one. Because that review was not an action item on the current agenda, the council indicated it could be placed on a future meeting agenda for formal direction.

Motion: Council Member Garland moved to adopt Ordinance 2026-24 reducing the TROD and grandfathering in the properties that were currently approved including the two lots next to the Ameyalli Resort.

Discussion: Mayor Simons asked if all the nightly rentals with approved conditional use permits were included in the motion. Council Member Garland responded that any currently operating and approved nightly rentals were grandfathered.

The Council and staff reviewed each area proposed for removal and if they should or should not be included in the TROD. The following decisions were made:

- Turnberry and Turnberry Woods would be removed from the TROD with the understanding that two transient rentals would be grandfathered.
- The two lots next to the Ameyalli Resort would remain in the TROD.
- Midway Village would be removed from the TROD.
- Rising Ranch would be removed from the TROD knowing it would still have certain rights with a conditional use permit.
- The area along 100 South would also be removed from the TROD.

Council Member Orme made the following comments:

- Was concerned with removing the section in the commercial zone, along the southeast section of Main Street, from the TROD.
- Questioned why an area that was appropriate for commercial development would not be appropriate for nightly rentals.
- A store or other commercial uses were allowed in the same area.

- The commercial zone should be reconsidered if the area was removed from the TROD.

Council Member Payne noted that the commercial area had been zoned commercial for many years. He expressed concern with the creeping expansion or reduction of the TROD.

Council Member Simonsen noted that the commercial area was mostly residential.

Amended Motion: Council Member Garland moved to adopt Ordinance 2026-24 reducing the TROD with the following conditions:

- Grandfathering in the currently operating, approved, or vested conditional use nightly rentals.
- Turnberry and Turnberry Woods would be removed from the TROD with the understanding that two transient rentals in the developments would be grandfathered.
- The two lots next to the Ameyalli Resort would remain in the TROD.
- Midway Village would be removed from the TROD.
- Rising Ranch would be removed from the TROD knowing it would still have certain rights with an existing conditional use permit.
- The area along the southeast section of Main Street would be removed. Removing the area from the commercial zone would have to be considered at another meeting.
- The area along 100 South would also be removed from the TROD knowing that three rental units would be grandfathered because they had pending conditional use application.

Second: Council Member Osborne seconded the motion.

Discussion: Council Member Osborne made the following comments:

- The TROD was established in 2006 and was changed because of the covid pandemic.
- Midway is a place where people choose to live.
- The TROD competes with the resorts in the City.
- Nightly rentals are not conducive to residential areas.
- Supported reducing the TROD.

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 8:05 p.m. He reconvened the meeting at 8:17 p.m.

8. Ordinance 2026-25 / Home Occupations (Michael Henke, Community Development Director – Approximately 10 minutes) – Discuss and possibly adopt Ordinance 2026-25 amending Section 16.13.270 (Home Occupations) of the Midway City Municipal Code

regarding home occupations. Recommended for adoption without 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 ordinance.

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

The City Council discussed a proposed amendment to the home-occupation code intended to preserve the residential character of neighborhoods and provide clearer enforcement standards. The Planning Commission recommended limiting the total number of vehicles and trailers associated with a property to the garage's capacity plus two, with no more than two parked outside. Outdoor vehicles and trailers would also have to be kept on a hard surface.

Staff explained that most of the city's approximately 100–200 home occupations cause no problems, but a few have accumulated enough vehicles and trailers to appear commercial or industrial. Because the existing language is subjective, enforcement has been difficult. The proposed limits would apply to all home occupations without grandfathering. Continued violations could result in license revocation, daily fines, and a Class B misdemeanor.

Council members raised several concerns:

- The amendment would not prevent numerous vehicles from parking temporarily on public streets, although existing street-parking and snow-removal regulations would still apply.
- The two-vehicle outdoor limit may be too restrictive for households with teenagers, recreational vehicles, or business trailers, particularly when neighboring homes without businesses may park more vehicles.
- The enforcement consequences should be stated or clearly referenced within the home-occupation provision so license holders understand them without consulting other code sections.
- Staff indicated that most complaints involve the visual impact of excessive vehicles and trailers rather than blocked access or similar problems.

Mayor Simons emphasized that the amendment responds to repeated, blatant violations of the current code.

Public Hearing

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

Brenda Ford

Ms. Ford opposed the proposed vehicle and trailer limits for home occupations, arguing that the restriction is too strict for households that may legitimately own several personal and business vehicles. She noted that a property can contain many vehicles and trailers without creating neighborhood problems if they are properly stored.

Ms. Ford also questioned the fairness of applying stricter standards only to residents with home businesses, since a non-business property could appear more cluttered than a well-maintained home occupation. She urged the City to address the specific problem properties directly rather than impose a restrictive rule on all home-based businesses.

Jody Anagnos

Ms. Anagnos described the varying effects of several home-based businesses on her street. She noted that a former esthetician operated with virtually no noticeable neighborhood impact, demonstrating how a home occupation can benefit its owner while remaining compatible with a residential area.

Other businesses have created more disruption through frequent vehicle traffic, multiple trucks and trailers, and noise. She specifically cited a pest-control business with regular vehicle activity, a woodworking and cabinet business that produces audible drilling, and a nightly rental that routinely brings four or five vehicles while leaving the garage unused.

Anagnos acknowledged the need to address increasingly visible and disruptive home businesses but agreed that limiting outdoor parking to two vehicles or trailers may be too restrictive. Her comments supported regulating neighborhood impacts while recognizing that the proposed limit may require adjustment.

The council continued debating whether the proposed parking limit for home occupations was overly restrictive. Staff indicated that approximately five problem properties had prompted the amendment.

Council Member Orme supported allowing at least two additional vehicles or trailers beyond the proposed limit when sufficient off-street parking is available. She distinguished vehicles stored on private property from those parked on public streets and questioned whether stricter standards for home businesses could eventually lead to similar restrictions for all residences.

Council Member Payne suggested that limits should reflect lot size or zoning. He reasoned that additional vehicles would have little effect on a five-acre property but could significantly affect a dense neighborhood where parking is limited. He asked whether the reported problem properties were concentrated in particular zones or occurred throughout the city.

Kevin Ross

Kevin Ross, representing the developer of the Rising Ranch Subdivision, questioned whether the proposed vehicle and trailer restrictions would apply to short-term rentals. He argued that the amendment does not account for factors such as permitted occupancy or property acreage, which may justify more vehicles at some rentals. Ross stated that, if short-term rentals are covered by the amendment, the Rising Ranch developer opposes it and asked the Council to vote against the proposal.

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

Motion: Council Member Simonsen moved to adopt Ordinance 2026-25 regarding home occupations and the parking allowed with the use with the following conditions and findings:

- 0.5 acre lots or smaller were limited to the number of vehicles inside the garage plus six vehicles including trailers.
- Larger lots had no vehicle restrictions.
- Street parking could not be used for vehicles and trailers related to the home occupation.
- Home occupations should not be over regulated.

Second: Council Member Orme seconded the motion.

Discussion: None

Vote: The motion failed with the Council voting as follows:

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

The council continued considering vehicle and trailer limits for home occupations. Resident Devin Johnson argued that regulating every vehicle on a property could unfairly penalize business owners because of unrelated household vehicles, such as those belonging to teenagers or guests. He suggested limiting customer or employee vehicles instead.

Council members and staff explained that the primary problem involves growing businesses that keep multiple work vehicles and trailers at a residence while employees leave personal cars there during the day. One recent property on a one-third-acre lot reportedly had five to seven vehicles and trailers outside, prompting repeated complaints about its commercial appearance. Mayor Simons stressed that neighboring residents are entitled to maintain the residential character of their street.

Key concerns included:

- Distinguishing business vehicles from personal vehicles would be difficult to enforce.
- A single limit may be unreasonable across properties ranging from small residential lots to several acres.
- Complaint-based enforcement could allow violations to go unaddressed or enable complaints motivated by personal disputes.
- Some questioned whether the problem business still met the definition of a home occupation; staff said prohibited outdoor storage had already been corrected, leaving excessive vehicles as the unresolved issue.
- Council members generally agreed that businesses should relocate when their operations clearly outgrow a residential property, but they differed on the appropriate threshold.

Motion: Council Member Simonsen moved to table the item and direct staff to develop another option based on lot acreage and vehicle numbers.

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. Ordinance 2026-26 / Transient Rentals (Michael Henke, Community Development Director – Approximately 5 minutes) – Discuss and possibly adopt Ordinance 2026-26 amending Section 7.06.090(C) (Usage Requirements of Transient Lodging Rental Units) of the Midway City Municipal Code regarding parking for transient rentals.

Michael Henke gave a presentation regarding the proposed ordinance.

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

The council reviewed a clarification to the transient-rental parking code. Staff explained that, unlike the home-occupation proposal, transient rentals are already limited to the garage's vehicle capacity plus no more than two vehicles visible outside. The amendment would not create a new restriction; it would simply make the existing language clearer and easier to enforce.

Council Member Simonsen supported the clarification, distinguishing commercial rental properties from owner-occupied homes and home-based businesses. Staff also emphasized that once a property is licensed as a short-term rental, its parking requirements apply year-round, including when the owners or their personal guests occupy the home.

Motion: Council Member Garland moved to adopt Ordinance 2026-26 an ordinance to amend Section 7.06.090(C) of the Midway City Municipal Code regarding the number of vehicles and trailers allowed at a transient lodging rental unit, as printed.

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

Kevin Ross objected to the passage of the ordinance.

10. Haven Farms, Lot 12 / Plat Map Amendment (Mike Johnston, Atwell Engineering – Approximately 10 minutes) – Discuss and possibly grant a plat map amendment for Haven Farms, Lot 12 located at 138 West 1160 South. **Public Hearing** - Public comment must be related to this item on the agenda.

11. Wright Subdivision / Plat Map Amendment (Mike Johnston, Atwell Engineering – Approximately 5 minutes) – Discuss and possibly grant a plat map amendment for the Wright Subdivision located at 143 West 970 South. **Public Hearing** - Public comment must be related to this item on the agenda.

Michael Henke gave a presentation regarding the proposed amendments.

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

The council jointly reviewed two related plat amendments involving Haven Farms Lot 12 and Wright Subdivision Lot 3. Although listed separately because the lots are in different subdivisions, the applications concern a single lot-line adjustment transferring approximately 5.17 acres from Wright Subdivision Lot 3 to Haven Farms Lot 12.

The adjustment would reduce the Wright Subdivision property from approximately six acres to 0.82 acres, which remains compliant with its half-acre zoning. Haven Farms Lot 12 would increase from 10.16 to 15.33 acres. The revised boundary would retain the existing home on the smaller northern lot while transferring a garage and surrounding acreage to the larger southern lot. An existing irrigation pipeline easement would remain, and public utility easements would follow the amended lot boundary.

Because Haven Farms is a rural preservation subdivision, the entire expanded lot must remain permanently restricted from further subdivision. Council members sought confirmation that the transferred land would be governed by the Haven Farms development agreement and deed restriction. Staff recommended approval subject to verifying and, if necessary, amending the deed restriction to cover the complete 15.33-acre lot.

Staff explained that state law requires approval when a plat amendment complies with applicable land-use regulations.

Public Hearing

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

Brenda Ford

Neighboring resident Ms. Ford asked how the deed restriction on the expanded Haven Farms lot would affect future development. Staff clarified that the approximately 15-acre property would remain a single lot and could not be divided to create additional residential lots. Under current regulations, only one dwelling could be built, although accessory buildings would be permitted.

Ms. Ford was concerned that the house could be placed anywhere on the property, including near her home. Staff confirmed that construction could occur wherever it complies with applicable setbacks and remains outside the floodplain. The zone requires a 50-foot rear setback and 30-foot side setbacks.

Ms. Ford emphasized that she was not opposing the lot-line adjustment. She believed the property had been well maintained and that incorporating the neglected five-acre area would likely improve its appearance. Her questions focused on understanding the restrictions and how future development could affect her property, particularly many years later.

Devin Johnson

Property owner and applicant Devin Johnson explained that the proposed land transfer is intended to expand agricultural use and continue a farming and livestock tradition important to a close friend and employee. He plans to clean up neglected dirt and equipment, grade the area, and extend the existing pasture rather than develop it.

Mr. Johnson acknowledged that adding the land to the deed-restricted Haven Farms lot would prevent it from being sold separately in the future. He expressed concern that this could limit his family's ability to obtain liquidity from the property without selling the entire parcel. He asked whether the pasture might someday be transferred to a neighboring landowner while remaining permanently protected from development.

Addressing concerns about future construction, Mr. Johnson said he has no plans to build another home and emphasized that the property could not be developed with condominiums, apartments, or townhomes. Although a future owner could construct one house within the permitted area, he considered construction near the neighboring property unlikely because of access, utility costs, and the floodplain. Staff confirmed that no wetlands were identified during the subdivision process, though a floodplain restricts development on part of the property.

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

Motion: Council Member Payne moved to grant plat map amendments for Haven Farms Lot 12, located at 138 West 1160 South, and the Wright Subdivision, located at 143 West 970 South, with the following findings and condition:

- The proposed plat amendment, which rearranges land between Wright Subdivision Lot 3 and Haven Farms Rural Preservation Subdivision Lot 12, complies with Utah State Code requirements for lot line adjustments between recorded plats.
- The 5.17 acres being transferred will be subject to existing, recorded deed restrictions, ensuring the expanded 15.335-acre lot remains under strict preservation, with no new building rights created.
- No public street, right-of-way, or easement will be vacated or altered.
- The deed restriction for Haven Farms Rural Preservation Subdivision Lot 12 shall be amended to reflect that the entirety of the amended lot is restricted from further subdividing.

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

12. Permanent Neighborhoods and Home Preservation (Annette McRae, Utah Senate District 20 Candidate – Approximately 10 minutes) – Receive a presentation regarding permanent neighborhoods and home preservation.

Annette McRae, a candidate for Utah Senate District 20, presented a proposed “Home Preservation Compact” intended to preserve year-round housing, strengthen local control, and connect housing policy with water and infrastructure planning. She also urged support for repealing SB 258, arguing that it limits communities’ ability to manage growth according to local housing, water, road, wastewater, and emergency-service capacity.

The proposed compact would be voluntary. Homeowners could agree to keep participating properties in long-term residential use and prohibit short-term lodging in exchange for valuable public benefits, such as major home repairs, accessibility improvements, wildfire protection, water-efficiency upgrades, reclaimed-water connections, or assistance creating long-term accessory dwelling units. Property owners would retain ownership, equity, inheritance, and sale rights.

McRae outlined two possible levels:

- Tier 1 would preserve residential use without automatically restricting resale prices.
- Tier 2, involving greater public investment, could add affordability protections such as income qualifications, owner-occupancy requirements, resale formulas, shared appreciation, or community-land-trust provisions.

She emphasized that housing preservation should complement new construction and that reclaimed-water and “purple pipe” systems should be treated as essential infrastructure.

Council Member Payne agreed that increasing supply alone will not create affordable housing in Wasatch County because construction costs and local incomes are too high. He argued that state law deprives cities of effective affordability tools and noted that unrestricted ADUs may still command unaffordable rents. He suggested that affordable housing requires broader community funding, potentially through income-sensitive property taxes, while acknowledging the political difficulty. He also cautioned that programs must operate within property-rights and free-market laws.

McRae responded that voluntary deed restrictions and locally funded investment could preserve community value without mandating participation. Council Member Osborne praised the proposal’s creative approach and agreed that SB 258 is harmful. The presentation concluded without a formal commitment or council action.

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

13. 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.

14. Adjournment

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

The meeting was adjourned at 9:34 p.m.

Craig Simons, Mayor

Brad Wilson, Recorder