

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

**Tuesday, 16 July 2024, 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 Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

**1. Call to Order; Pledge of Allegiance; Prayer and/or Inspirational Message**

Mayor Johnson called the meeting to order at 6:03 p.m.

**Members Present:**

Celeste Johnson, Mayor  
Jeff Drury, Council Member  
Lisa Orme, Council Member  
Kevin Payne, Council Member  
Craig Simons, Council Member  
JC Simonsen, Council Member

**Staff Present:**

Corbin Gordon, Attorney  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Katie Villani, Planner  
Brad Wilson, Recorder

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

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

**2. Consent Agenda**

- a. Agenda for the 16 July 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 18 June 2024 City Council Work Meeting
- d. Minutes of the 18 June 2024 City Council Regular Meeting
- e. Minutes of the 18 June 2024 City Council Closed Meeting
- f. Conclude the warranty period and release the remainder of the bond for Watts Remund Farms PUD, Phase 4 located at 280 East Rockwell Circle, Midway subject to the payment of all fees due to Midway City.
- g. Release the construction bond, minus 10% and any amount for landscaping, and begin the one-year warranty period for the Farm Meadows Subdivision located at 550 North Pine Canyon Road.

**Note:** Copies of items 2a, 2b, 2c, 2d, 2f, and 2g are contained in the supplemental file.

Council Member Drury asked about warrants for LENS and Oren Durtschi. Brad Wilson explained that LENS was an equipment provider for the Wasatch Back Major Crimes Taskforce. Michael Henke explained that a trail easement was being purchased from Mr. Durtschi and his family.

Council Member Simons asked about the warrant for Heber City regarding fuel. Mr. Wilson explained that the Taskforce was reimbursing Heber City for fuel. The cost would then be reimbursed to the Taskforce with a grant.

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

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

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

Mayor Johnson asked if there were any comments from the public for items not on the agenda.

North Center Street Trail

Roland Griffith made the following comments:

- He, his wife, and their six children lived on Dairy Lane.
- Was grateful for the information meeting that was held and for those who had secured the funding for the trail along the north section of Center Street.
- Requested that an additional public meeting be held regarding the project, to collect public comment in an organized manner beyond the written notes placed on the construction plans at the last meeting.
- The additional public form would provide the diverse stakeholders and user groups across the City the opportunity to inform the planning process.
- It would also provide the best solution possible to maximize safety for all and be fiscally sound over the long term.
- The following topics should be addressed, and public comment allowed, for the three distinct sections of the trail to include south of the “S” curve from Main Street to 600

North, the “S” curve from 600 North to Alfalfa Circle, and north of the “S” curve from Alfalfa Circle to Burgi Lane:

- Discussion and public comment on any in-depth objective analysis of the pedestrian, biking, and any other user group patterns and trends along each of these three sections.
- Move beyond anecdotal evidence to make possible the best plan.
- Burying the power lines to increase safety, improve snow removal, and the preservation of Midway’s natural beauty.
- A pros and cons topic of discussion regarding an attached versus a detached border along the trail.
- Was confident that the scheduling and convening of a public comment forum would make the proposed plan and associated solution a long-term benefit to all involved and one more reason for Midway to remain an amazing community.

#### Hight Valley Arts / Fiddler on the Roof

David Sullivan, Lexie Osborn, Bethany Ward, Vicky Higley, and Todd Begley were part of High Valley Arts production of Fiddler on the Roof and made the following comments:

- The production was a way to connect with other people including family members.
- They were grateful for the opportunity to participate.
- They invited everyone to attend the production.
- Theater was important for a community.
- Both youth and adults could participate.
- Thanked the City for considering a performing arts center which would be an asset for the community.
- The performances were a significant undertaking. They benefited the local businesses.

No further comments were offered.

#### **4. Department Reports**

##### Animal Services / MOU / Leash Laws

Council Member Simonsen reported that a memorandum of understanding (MOU) was still being prepared for area animal services. He also reported that residents asked that leash laws be reviewed to allow for e-leashes.

##### Parks Committee / Open Space / Hamlet Easement / Motion

Council Member Simonsen reported on the recent meeting of the Midway City Parks, Trails, and Trees Advisory Committee. He noted that Steve Stevens, a member of the Midway City Open Space Advisory Committee, attended to discuss a second bond for open space.

Council Member Simonsen also noted that the use of the open space easement, granted by the Hamlet PUD HOA, was discussed. He read a motion from the Committee making recommendations and requesting feedback on the following proposals for the easement:

- Unpaved and possibly looped walking trail
- Fenced dog park
- Osprey platform
- Bike trail with benches and sunshades

### North Center Street Trail

Council Member Simonsen reviewed the planned trail along the north section of Center Street. He noted that a public meeting was held and there were strong opinions on multiple sides of various issues. He indicated that the comments would be reviewed, and a recommendation made to the Council.

Wes Johnson was concerned with delaying construction. He wanted to replace the associated sewer and water infrastructure that year and then build the trail the following summer. He noted that the design was 80% complete.

Council Member Simons said it was important to acknowledge citizens' concerns, especially those who would have the trail next to their property. He recommended that another public meeting be held. He stated that the reasons for the City's decision could be provided at that meeting. He also noted that the project was complex.

Mr. Johnson reported that a decision on burying the power lines could not be made until a cost was determined.

Council Member Drury asked that a cost be determined for a detached and attached trail.

Council Member Simonsen thought that having another public meeting would delay the entire project until spring.

Roland Griffith requested that technology be leveraged to collect data on potential uses for the trail and road crossings. Mayor Johnson responded that a transportation study was recently conducted and wondered if additional data was needed. She noted that e-bikes were a new issue that needed to be addressed.

Council Member Simonsen thought that most residents would not want to delay construction.

Council Member Simons recommended that the City review each section of the trail because they were so different.

Mr. Johnson said that the types of users allowed on the trail needed to be determined. He asked if active bicyclists or e-bikes should be allowed.

### Hamlet Park / Alpenhof Park / Playground Equipment Installation

Council Member Simonsen reported that the problems with the installation of playground equipment at Hamlet Park had been resolved. He added that playground equipment would now be installed at Alpenhof Park. Mayor Johnson indicated that suppliers and installers were limited so the same ones were used for both parks. Katie Villani added that the City now had the

installation specifications and would watch the installers closely.

#### Trails / Parking

Council Member Simonsen reported that people were parking cars on the City's trails which was unsafe. He said that the City should do more than just notice the violators.

#### Historic Preservation Committee / Oral Histories / Plaques

Council Member Simons reported that the Midway Historic Preservation Committee was obtaining oral histories and placing plaques at 14 historic homes.

#### Culinary Water System / PI System / Tours

Council Member Simons reported that he toured the City's culinary water system and the Midway Irrigation Company's pressurized irrigation (PI) system.

#### Planning Commission / Kim Facer

Council Member Simons reported that Kim Facer was now a member of the City's planning commission. He added that there were good members on the Planning Commission.

#### HVTED / Collaboration

Council Member Orme reported that Heber Valley Tourism and Economic Development (HVTED) was encouraging collaboration with the community.

#### Utah State Legislature / Data Privacy / Interim Committees

Katie Villani reported on new data privacy regulations enacted by the State Legislature. She also reported on interim committee meetings held by the Legislature.

- 5. TAP Tax / Awards** (Mayor Johnson – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve awarding Trails, Arts, and Parks (TAP) tax revenue to various entities.

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

- \$181 had already been paid to Jeff Parker for Memorial Hill patches.
- The Friends of Wasatch Mountain State Park asked that the City sponsor its Hit and Giggle golf event at various levels. The City should be a gold sponsor at \$1,200.
- \$200,000 in TAP tax funds were available.
- It was suggested that requests for TAP tax funds be more uniform across the County. It was also suggested that the TAP logo and where the money came from be included in

the applications.

- Each community was unique.
- Art Around the Square (AATS) requested funds for two events.
- Donated funds should not be used for administration or event management. This restriction should also be noted on applications.

**Motion:** Council Member Simonsen moved to accept the following requests:

- Both requests from AATS for \$5,000 each.
- The Memorial Hill patches.
- \$1,200 for the Friends of Wasatch Mountain State Park.

**Second:** Council Member Payne seconded the motion.

**Discussion:** None

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

Council Member Drury	Recused
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

**6. Open Space Bond / Discussion** (Courtland Nelson - Approximately 30 minutes) – Discuss placing on the ballot a second general obligation bond for the preservation of open space.

Courtland Nelson, Midway Open Space Advisory Committee Chair, reported that a survey regarding a second open space bond had been completed.

Katie Villani gave a presentation regarding a bond and survey and reviewed the following items:

- Survey Report
- Survey questions
- Survey analysis
- Future bond discussion items

Ms. Villani also made the following comments:

- The survey was conducted by Utah Valley University.
- 300 residents responded.
- A resolution placing the bond on the ballot should be approved at the August 6<sup>th</sup> council meeting.
- Should the use of bond funds be limited to property in the City's annexation boundary?
- Should broad language be used for the ballot?
- The Council needed to decide on any changes to the ballot language and the amount of the bond.

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

Mr. Nelson made the following comments:

- The Open Space Committee supported a \$5 million bond.
- A \$7 million bond would have the same purchasing power as the first bond of \$5 million.
- There was no interest in a \$10 million bond.
- Public activity like an open house would be needed for a second bond.

Brad Winegar, Preserve Midway, made the following comments:

- The first open space bond was tremendously successful.
- Bond funds were one of the most effective tools for open space preservation.
- Preserve Midway had a social media presence.
- They were slowly educating residents on the success of bond funds. They would speed up the process if a resolution was adopted. They would also promote the bond in various other ways.
- There would be a walk to the Gardner property, which would be preserved as open space, at the Volksmarch. There would also be an open space booth at the event.
- They could also help with any town hall meetings.

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

- Lenders usually wanted broad bond language.
- A reference to historic structures would not be included.
- The Council should further discuss the ramifications of allowing open space funds to be used outside of the City's annexation boundary.
- Bond funds should only be used for properties inside the annexation boundary because those property owners would repay the bond.
- There might be a very valuable piece of property outside of the boundary that residents wanted to preserve.
- The contract with the financial advisers was recently renewed.
- There was language in the request for proposals that would allow extending the contract for bond counsel.

Council Member Payne supported a bond of \$6 million to \$7 million.

Council Member Simonsen supported a bond of \$5 million to \$7 million.

Mayor Johnson supported a bond of \$5 million because of those who felt the burden of tax increases.

Council Member Orme supported a bond of \$5 million because that was the amount most residents also supported.

Council Member Drury supported a bond of \$5 million subject to it being used within the City's annexation boundary. He indicated that it was important for voters to decide the issue.

Council Member Simons also supported a \$5 million bond subject to it being used within the City's annexation boundary at the time of application.

Council Member Orme, Council Member Simonsen, and Council Member Payne also supported limiting the funds to properties in the City's annexation boundary.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 8:02 p.m. She reconvened the meeting at 8:14 p.m.

**7. Ameyalli Resort, Phase Two / Final Approval** (Midway Mtn Spa LLC – Approximately 30 minutes) – Discuss and possibly deny, continue, or grant final approval for Phase Two of the Ameyalli Resort located at 800 North and 200 East (Zoning is RZ).

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

- Land use summary
- Square footages for Phase Two
- Location of the development
- Neighbors
- Master site plan
- Proposed plat map
- Renderings
- Phased site plan
- Wellbeing Center
- Guestrooms
- Hotel buildings
- Cottages
- Heights
- Elevations
- Parking
- Landscaping plan
- Signage
- Water board recommendation
- Possible findings

Mr. Henke also made the following comments:

- The total square footage was less than the maximum set with the Summit Land Conservancy.
- The development could allow the City to levy the resort communities tax for another ten years.
- The proposal met the parking requirements.
- Did not recommend any conditions.
- It was unlikely that any of the units in Phase Two would be primary residences because they did not have kitchens. Any such residences would be in Phase One but someone would have to buy all the fractional ownerships in a unit.
- The Municipal Code limited primary residence to 10% of a resort's square footage. This was enforced primarily through the Code but could also be enforced through the development agreement.
- The applicant had a plan for the existing stone house on the property. The City asked



that he keep it in mind if he did not want to use it.

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

Chuck Heath, applicant, made the following comments:

- The House of Enlightenment would not be a primary residence, nor would it be rented. It would most likely be used by a resident instructor.
- The top of the mound on the property could be seen from Burgi Lane.
- A rooftop pool had been eliminated to keep the building heights below 35 feet.

**Motion:** Council Member Simonsen moved to grant final approval for Phase Two, located at 800 North and 200 East (Zoning was RZ), with the following findings:

- The proposal would benefit the City financially by creating a greater tax base.
- The proposal would help the City better comply with State requirements regarding the ability to collect resort tax.
- The public trail system in the development would benefit the entire community by creating public trails across the property that would connect to Midway's existing trail network.
- Amenities would be created that would be accessible year-round, which would invite more tourists to visit the resort in all seasons.
- Approval was subject to the adoption of the development agreement.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

**8. Resolution 2024-20 / Ameyalli Resort, Phase Two Development Agreement** (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-20 adopting a development agreement for Phase Two of the Ameyalli Resort located at 800 North and 200 East (Zoning is RZ).

Chuck Heath made the following comments:

- Could not prohibit full-time residents.
- The agreement should state that there would be soft rather than hard trails on the mound.
- Could not restore the Mt. Spaa sign because he no longer owned it. Mayor Johnson

responded that the owners still thought that Mr. Heath needed to restore it because of the MOU with the Summit Land Conservancy. She preferred that the sign be moved to the City's easement. Corbin Gordon indicated that the applicable parties were subject to the existing agreements. Mr. Heath understood that the current owner had to restore it. Mr. Gordon would prepare a legal opinion on the issue. Council Member Simonsen added that the condition of the restoration also needed to be determined.

- Wanted to know what fees he needed to pay prior to recording the plat map. Wes Johnson indicated that he would meet with him to determine those fees.
- Invited the Council to an event that Friday.
- The management firm and restaurant would be announced soon.

Corbin Gordon indicated that he would make the necessary changes to the agreement.

**Motion:** Council Member Payne moved to approve Resolution 2024-20 adopting a development agreement for Phase Two of the Ameyalli Resort located at 800 North and 200 East.

**Second:** Council Member Simonsen seconded the motion.

**Discussion:** Council Member Simonsen asked if the City's easement needed to be mentioned in the agreement. Michael Henke responded that it did not because it was not in the second phase.

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

- 9. Additional Law Enforcement** (Council Member Simonsen – Approximately 30 minutes) – Discuss and possibly approve finalizing an agreement for additional law enforcement in Midway City.

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

- Money for additional law enforcement had been included in the FY 2025 Budget.
- The Council needed to decide if it would contract with the Wasatch County Sheriff's Department or the Heber City Police Department. The City Attorney would then negotiate a contract.
- The issue had been discussed enough.
- The City's previous contracts with the Sheriff's Department were not relevant.
- The proposals from each entity were for one year.
- The City was still working on traffic calming measures.
- Could the City counteroffer a lower price?
- Was the City getting a good value at the proposed price?

**Motion:** Council Member Simonsen moved that the Mayor work with Corbin Gordon, and any other council members that wanted to be involved, to negotiate a contract with a preference for the Heber City Police Department with the following conditions:

- The contract met the Council's needs for providing additional police services for Midway
- It was not for a certain amount. The amount would be determined through the negotiation process with the provider, and seeing what could be done to accommodate concerns as far as the best price and the services for that price.
- It would be brought back to the Council for final approval.

**Discussion:** Council Member Simons asked if the agreement would be for one or two years. Council Member Simonsen responded that it would be for one year on a trial basis.

Council Member Payne clarified that the agreement would be a draft with a concrete cost. Council Member Simonsen agreed.

**Second:** Council Member Payne seconded the motion.

**Discussion:** Council Member Drury was concerned with the length of an agreement and any automatic cost increases. He noted that the previous agreement included perpetual increases and the service provided was unsatisfactory. Council Member Simonsen asked Mr. Gordon to include in any agreement that excessive increases were a cause for termination.

Council Member Simons noted that the City could change if the Sheriff's Department became a better option.

Council Member Payne suggested that the agreement include an automatic renewal clause so that it did not need to be renegotiated each year.

Council Member Drury and Council Member Simonsen indicated that law enforcement should not do code enforcement. Mayor Johnson said that traffic control, parking, and underage children riding e-bikes should be overseen by law enforcement.

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

Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

**10. Homestead Trail Project / Report** (City Engineer – Approximately 15 minutes) – Receive and discuss a report on the Homestead Trail Project.

Wes Johnson gave a presentation regarding the project and reviewed the following items:

- History of bidding for the project
- Change orders and overruns

- Project financing

Mr. Johnson also made the following comments:

- All change orders and overruns were initiated by the City.
- The project was bid at \$4.9 million and completed at \$5.2 million. This was a significant savings compared with the second lowest bid.

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

Mayor Johnson noted that the project was not affected by Mr. Johnson changing engineering firms.

**11. Heber Valley Corridor / Letter** (City Planner – Approximately 10 minutes) – Discuss and possibly approve signing a letter of support for UDOT's environmental impact study (EIS) process encompassing the Heber Valley Corridor and related priority outcomes.

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

- UDOT wanted to know what items the local entities agreed upon regarding the Corridor.
- The proposed letter of agreement did not guarantee anything.
- Nothing needed to be removed from the letter.
- Additions had been suggested, like federal funds for open space being jeopardized, but that was difficult with multiple entities needing to agree and the issue being time sensitive.
- Services like Google sent drivers through Midway because of the congestion on Heber Main Street.
- The Corridor was not wanted but was needed because of the traffic problems.
- The local entities should work together.
- It would be beneficial to have the area's state legislators sign the letter.
- The letter should be reviewed by the various open space groups.
- The Corridor was not a "silver bullet" and would not achieve the desired goals. It did not address the growth in Heber City. It would be built and there would still be complaints about traffic.
- There was broad opposition to the Corridor.
- After the environmental impact statement only options on the west side of Heber City were considered.
- The letter had a bias to connecting to River Road which was the worst option for access, safety, etc.
- It was a concern that the letter was just presented and was vague on the preservation of the north fields.
- UDOT would make decisions on its own because there was no local consensus.
- Most residents wanted the Corridor to be closer to Heber City.
- Stronger language needed to be used.
- The choice was how to sacrifice the least to solve the problem.
- UDOT would eventually do something.
- Why were the south fields not being protected?

- Some of the proposed routes dumped traffic into areas with the greatest growth.
- Midway Lane and the new high school were a traffic concern.
- The letter could bring UDOT back to the “drawing board”.
- There was no good solution for the entire valley.
- The letter focused on Heber City’s concerns.
- A lot of people had put a lot of time into the letter. It would be abandoned if changes were proposed.
- The longer the local entities waited the less influence they would have.
- Funding, habitat, and development along the Corridor were the biggest concerns.
- Would semitruck drivers really use it?
- The Corridor should run next to State Highway 40 to limit its impact.
- The proposed routes did not account for the new high school and another signal light on Midway Lane.

**Motion:** Council Member Simonsen moved not to sign the letter at that time and in its current form which needed some modifications.

**Second:** Council Member Drury seconded the motion.

**Discussion:** None

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

Council Member Drury	Aye
Council Member Orme	Nay
Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

Council Member Orme indicated that she voted against the motion because she was involved with preparing the letter and thought that it was a good starting point with UDOT.

**Note:** Corbin Gordon indicated that a closed meeting needed to be held to discuss Rocky Mountain Power’s request to amend its conditional use permit to upgrade the Judge Transmission Line. Brad Wilson responded that the item or a closed meeting was not listed on the agenda. Mr. Gordon indicated that he would send an email to the Council regarding the issue.

**12. Main Street / Discussion** (City Planner – Approximately 30 minutes) – Discuss Midway City Main Street.

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

- Main Street should be eclectic and not high density.
- Leeway should be given when a historic building was being preserved.
- Good feedback was received during the site tour.
- Buildings in the front with parking in the back looked like a wall and blocked the views of

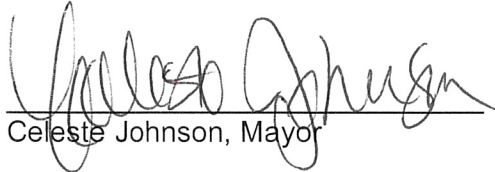
the mountains.

- Old Swiss Square was a well-done building. It did not have an imposing feel.
- Buildings in front of the parking created a more walkable community and a place where people wanted to be.
- Historic towns had shops next to the sidewalk with street parking or parking lots.
- Midway had a long Main Street.
- Urban planning did not work well for rural communities.
- The City needed to be bold.
- Open space was good for residential but not business development.
- The restriction against returning commercial structures to residential should be reconsidered.
- The C-3 zone was focused on walkability.
- Commercial should be protected to keep property taxes low.
- Town Square was special and what was around it should be preserved. It should be a family friendly community area.
- The conversion of houses to businesses should be encouraged.

### 13. Adjournment

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

The meeting was adjourned at 10:06 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder