



Memo

Date: 28 February 2025
To:
Cc:
From: Brad Wilson, City Recorder
RE: Minutes of the 18 February 2025 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, 18 February 2025, 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 Express, 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, Planning Director, and The Wasatch Wave. 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 Johnson called the meeting to order at 6:12 p.m.

Members Present

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

Staff Present

Corbin Gordon, City Attorney
Michael Henke, City Planning Director
Wes Johnson, City Engineer
Camille Palmer, Mayoral Assistant (Left at
7:16 p.m.)
Katie Villani, City Planner
Brad Wilson, City Recorder

Members Excused

Craig Simons, Council Member

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

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

2. Consent Agenda

- a. Agenda for the 18 February 2025 City Council Regular Meeting.
- b. Warrants
- c. Minutes of the 30 January 2025 City Council Strategic Planning Meeting.
- d. Minutes of the 4 February 2025 City Council Work Meeting.
- e. Minutes of the 4 February 2025 City Council Regular Meeting.
- f. Ordinance 2025-04 prescribing the time and place for regular meetings of the Midway City Council.

- g. Resolution 2025-01 approving compensation for council members serving on various boards.
- h. City Council assignments

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

It was indicated that a copy of the council assignments was not provided for the meeting.

Motion: Council Member Drury moved to approve items “a” through “g” and table item “h” on the consent agenda.

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	Excused from the Meeting
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 about items that were not on the agenda. No comments were offered.

4. Department Reports

Law Enforcement / Report

Branden Russell, Heber City Deputy Police Chief, gave a report on law enforcement in Midway. He specifically reviewed traffic and parking during snow removal, school zone enforcement, River Road, and training of an additional officer.

Michie Lane / School Zone

Council Member Drury recommended that a school zone, with a 20-mph speed limit, be established on Michie Lane from Center Street to 300 East. Wes Johnson responded that certain criteria would have to be met and the City would have to install the signs and equipment. Mayor Johnson asked that a study be completed to start the process.

Animal Services / Agreement / New Growth

Council Member Simonsen reported that Heber Valley Animal Services was implementing the new interlocal agreement and planning for new growth.

Parks, Trails, and Trees Committee / Trail Signs / Trails Maintenance / Budget / Legislation

Katie Villani reported on the recent meeting of the Midway City Parks, Trails, and Trees Advisory Committee. She made the following comments:

- The Committee ordered the first group of trail signs.
- It was pleased with the winter maintenance of the trails.
- It was working on budget proposals for FY 2026.

North Center Street Trail / Bids

Council Member Simonsen reported that bids had been requested for the construction of the trail along the north section of Center Street.

Speed Bumps / Dutch Canyon Road

Council Member Drury thought that the speed bump on Dutch Canyon Road slowed traffic. He recommended that they be put on other roads. Council Member Simonsen responded that a lot of negative feedback had been received regarding the speed bump, especially the noise that it created.

Wes Johnson reported that traffic tubes would again be put out on Dutch Canyon Road. He said that this would determine if traffic was actually going slower because of the speed bump.

Council Member Simonsen wanted to look at speed bumps that were less severe.

Historic Preservation Committee / Oral Histories / Open House / Markers / Walking Tour / Taped Histories

Camille Palmer reported on the following projects being done by the Midway City Historic Preservation Committee:

- Oral histories
- Open house
- Historical markers
- Self-guided tour
- Oral histories recorded for Norm Kohler

Utah Legislature / Update

Katie Villani reported on the current session of the Utah Legislature and specifically reviewed the following legislative items:

- Preemption
- Attorney client privilege
- Affordable housing

Regional Parks and Recreation Meeting / Report

Mayor Johnson reported on a regional parks and recreation meeting that she attended and made the following comments:

- The meeting would be monthly.
- It would help coordinate local government planning.
- A pump track would be built in a detention basin at or near the Southfield Park. Would the Council approve a letter of support for the track?
- 2034 Olympics
- Should a member of the Midway City Parks, Trails, and Trees Committee attend the regional meeting?

The Council agreed to the letter of support.

MBA / Survey / Responsibility

Mayor Johnson reported that the survey of businesses had been returned. She also indicated that the local businesses wanted to assume responsibility for the Midway Business Alliance (MBA). She added that Tonia Turner would now attend only as a representative of the City's souvenir shop.

HVSSD / Lawsuit

Mayor Johnson reported that several residents were suing the Heber Valley Special Service District (HVSSD) because of the odor from its sewer treatment plan.

Budget Meeting

The Council scheduled a budget meeting for March 24th at 6:00 p.m.

5. Mayor Pro Tempore / Election (Mayor Johnson – Approximately 5 minutes) – Discuss and possibly elect a mayor pro tempore for Midway City.

The position of mayor pro tempore was discussed at the strategic planning meeting held on 30 January 2025. Council Member Payne was discussed for the position.

Motion: Council Member Drury moved to appoint Council Member Payne as the mayor pro tempore.

Second: Council Member Simonsen 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	Excused from the Meeting
Council Member Simonsen	Aye

6. Resolution 2025-08 / FY 2025 Budget Amendment (Approximately 15 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-08 amending the FY 2025 Budget for Midway City. **Public Hearing**

Brad Wilson indicated that inaccurate information had been given to the Council and asked that the item be continued.

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public. She closed the hearing when no public comment was offered.

Motion: Council Member Payne moved to continue the budget amendment.

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	Aye
Council Member Payne	Aye
Council Member Simons	Excused from the Meeting
Council Member Simonsen	Aye

7. TAP Tax / Awards (Mayor Johnson – Approximately 30 minutes) – Discuss and possibly deny, continue, or approve awarding Trails, Arts, and Parks (TAP) tax revenue to various applicants.

Mayor Johnson explained a committee's recommendations regarding the TAP tax requests. She made the following comments:

- Council Member Simons' was out of town and his application should be possibly awarded at another meeting.
- The committee recommended that some applicants not be awarded the full amount of their requests.

Motion: Council Member Simonsen moved to approve the TAP tax grants in the amounts recommended by the Committee with one application still to review because of timing.

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	Excused from the Meeting
Council Member Simonsen	Aye

Council Member Simonsen noted that one of the applicants requested money to purchase a sound system. He recommended that the City purchase a simple system that could be used as needed. Council Member Orme agreed and indicated that the City should not donate money to someone so they could buy equipment for their business.

8. Kastle Court Subdivision / Final Approval (John Ace Money – Approximately 30 minutes)
– Discuss and possibly deny, continue, or grant final approval for the Kastle Court Subdivision located at 800 North Pine Canyon Road (Zoning is R-1-15 and R-1-22).

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

- Land use summary
- Location of the development
- Land use map
- Site plan

Note: Camille Palmer left at 7:16 p.m.

- Proposed plat map
- Discussion items
- Aerial photographs from 2010, 2015, 2016, 2017, and 2022
- Intersection and entrance design
- Water Board recommendation
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The request was for final approval.
- The layout of the trail and bike paths on Pine Canyon Road would be determined when they were designed.
- The applicant would contribute to the construction of the Pine Canyon Road bike lane.

- The proposed lots were shallow enough to qualify for a rear setback exception.
- Access to the property to the north should not be allowed unless the proper easement was granted.
- The natural grade had been altered by a significant amount of fill brought onto the property.
- It would be more difficult to refer to a survey as suggested by the applicant's engineer. There could be separate documents for each lot. There could be a note on the plat map.
- Heights should be based on the worst-case scenario.
- The property line would not be affected by a shift in the road.
- The proposed right-of-way remained at the standard 56 feet.

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

Wes Johnson reviewed the street cross-section, including the locations of the park strip and the sidewalk, requested by the applicant. He made the following comments:

- The Council had the authority to allow modifications to street cross-sections.
- The sidewalk would be outside of the right-of-way. This had not occurred anywhere else in the City.

John Ace Money, applicant, made the following comments:

- The proposal provided better spacing with the property to the north.
- The rural cross-section shifted the road which was better for lot seven in the project.
- Liked a sidewalk on both sides of the road.
- Did not like the ribbon curb in the rural cross-section. Wanted a curb that would help control storm water.
- The lot owners could maintain the sidewalks.

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

- The setback exception for shallow lots should not apply to new developments.
- The City maintained sidewalks.
- An easement would be needed for the sidewalk if it was outside of the right-of-way.
- The City had standard cross-sections for a reason.
- There was not a benefit to the City to allow the modified cross-section.
- Residents would not understand where their property line was in relation to the cross-section and the sidewalk.
- The requested modifications would create confusion and questions.

Motion: Council Member Payne moved to grant final approval for the Kastle Court Subdivision, located at 800 North Pine Canyon Road (Zoning is R-1-15 and R-1-22), with the following findings and conditions:

- The proposal met the intent of the General Plan for the R-1-15 and R-1-22 zones.
- The proposed lots complied with the land use requirements of the R-1-15 and R-1-22 zones.
- The developer would contribute to a bike lane that would benefit members of the

community.

- The height of future structures would be measured from natural grade.
- Natural grade would be established by city staff and placed on the final plat map to determine the maximum height of future structures.
- The developer would contribute \$6,825 to the trails fund that would help build the bike lanes along Pine Canyon Road at a future date.
- Lot 7 would only have access from Castle Court and not from Pine Canyon Road. The access limitation would be noted on the plat map.
- Lots in the R-1-22 zone (2, 3, 4, 5 & 6) would meet the 20' side setback for dwellings. The building pads on the final plat map would be modified to comply with the code.
- The applicant could choose the rural cross-section or one of the standard cross-sections for the road.

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	Aye
Council Member Payne	Aye
Council Member Simons	Excused from the Meeting
Council Member Simonsen	Aye

9. Resolution 2025-05 / Kastle Court Subdivision Conditions (City Attorney – Approximately 5 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-05 adopting conditions for the approval of the Kastle Court Subdivision located at 800 North Pine Canyon Road (Zoning is R-1-15 and R-1-22).

Corbin Gordon asked that the resolution be postponed until a street cross-section was chosen by the applicant.

Motion: Council Member Orme moved to continue the resolution until a cross-section was chosen.

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	Excused from the Meeting
Council Member Simonsen	Aye

10. Kraig Ford Subdivision / Plat Map Amendment (Berg Engineering – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve a plat map amendment for the Kraig Ford Subdivision located at 81 and 115 West and 970 South (Zoning is R-1-22).

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

- Land use summary
- Location of the development
- Current lot line
- Adjusted lot line
- Recorded plat map
- Proposed plat map
- State Code
- Proposed findings

Mr. Henke also made the following comments:

- The development was a two-lot subdivision.
- The adjusted lot line would match the existing fence.
- The rear setback would not be affected by the adjustment.
- The request was allowed by code.
- The request had to be approved if it met the code requirements.
- The request required a plat map amendment. It was beneficial to have such adjustments noted on a plat map.
- Did not recommend any conditions for approval.

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

Motion: Council Member Payne moved to approve the Kraig Ford Subdivision plat map amendment, located at 81 and 115 West and 970 South (Zoning is R-1-22), with no conditions and the following findings:

- The lot line between lots 1 and 2 would be adjusted.
- Both lots would continue to comply with the requirements of the R-1-22 zone.
- State code required that the petition be approved if no land use ordinance was violated.
- No public street, right-of-way, or easement would be vacated or altered.
- The duration of a plat map amendment approval would be for one year from the date of approval of the amendment by the City Council. Should the amended plat map not be recorded by the County Recorder within the one-year period of time, the plat map amendment's approval would be voided, and approval would have to be re-obtained unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extended the time limit for recording, with or without conditions. Such conditions might include, but were not limited to, provisions requiring that: (a) each extension would be for a one-year period only, after which time an annual review would have to be requested by the applicant and presented before the City Council; and/or (b) no more than three one-year extensions would be allowed. The granting or denying of any extension, with or without conditions, was within the sole discretion of the City Council, and an applicant had no right to receive such an extension.

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	Aye
Council Member Payne	Aye
Council Member Simons	Excused from the Meeting
Council Member Simonsen	Aye

Note: Wes Johnson left at 8:00 p.m.

11. Ordinance 2025-05 / Sign Code Corrections (City Planner – Approximately 10 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-05 correcting Ordinance 2024-14 which amended Chapter 16.21 (Signs) of the Midway City Municipal Code.

Katie Villani made the following comments regarding the proposed ordinance:

- The correct information was presented to the Council when the sign code was recently changed.
- However, there was a transcription error in the associated staff report and the adopted ordinance.
- The ordinance should be adopted, which would change the Municipal Code to what the Council thought it was approving.

Council Member Orme thought that the recent changes were being reconsidered that night and invited Spencer Coleman, Signarama, to attend the meeting.

Mr. Coleman made the following comments:

- Donated a lot of time helping the City with signs and its sign regulations.
- Had helped other local governments rewrite their sign regulations.
- Many businesses were concerned about the recent changes and felt that the City did not listen to them.
- The Homestead Resort would be significantly affected by the changes. It would only be able to have a sign with three-inch-high letters.

Council Member Orme said that she would work with Mr. Coleman and propose changes.

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

- The Homestead could have up to two 40 square foot signs.
- The changes were presented to the Midway Business Alliance before they were adopted.
- Revisions should be considered if the recent changes made signs unreadable.

- Specific issues should be considered.

Motion: Council Member Simonsen moved to adopt Ordinance 2025-05 because of transcription issues and for consistency.

Second: Council Member Payne seconded the motion.

Discussion: None

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

Mayor Johnson	Aye
Council Member Drury	Nay
Council Member Orme	Nay
Council Member Payne	Aye
Council Member Simons	Excused from the Meeting
Council Member Simonsen	Aye

Council Member Orme indicated that she should have voted against the sign code changes when they were originally presented.

Note: Wes Johnson returned at 8:09 p.m.

Motion: Without objection, Mayor Johnson recessed the meeting at 8:09 p.m. She reconvened the meeting at 8:20 p.m.

12. Open and Public Meetings Training (City Recorder – Approximately 30 minutes) – Receive training on the Utah Open and Public Meetings Act.

The Council and meeting attendees watched a presentation by the Utah State Auditor’s Office regarding the Utah Open and Public Meetings Act.

13. Adjournment

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

The meeting was adjourned at 8:30 p.m.

DRAFT