

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

**Tuesday, 20 May 2025, 5:00 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 5:22 p.m. She excused Council Member Drury from the meeting.

**Members Present**

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

**Staff Present**

Corbin Gordon, City Attorney  
Michael Henke, City Planning Director  
Wes Johnson, City Engineer  
Nancy Simons, Accounting/Budget Officer  
Katie Villani, City Planner  
Brad Wilson, City Recorder

**Members Excused**

Jeff Drury, 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 Simons gave the prayer and/or inspirational message.

**2. Consent Agenda**

- a. Agenda for the 20 May 2025 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 15 April 2025 City Council Closed Meeting
- d. Minutes of the 30 April 2025 City Council Meeting
- e. Minutes of the 6 May 2025 City Council Meeting
- f. Spencer LaCouture as a full member of the Midway City Vision Architectural Committee

- g. Jennifer Mangum-Whaley as a full member of the Midway City Vision Architectural Committee
- h. James Hendricks as a full member of the Midway City Vision Architectural Committee
- i. Rachel Harvey as a full member of the Midway City Parks, Trails, and Trees Committee
- j. Lisa Barkdull as an alternate member of the Midway City Parks, Trails, and Trees Committee
- k. Suellen Gregory Winegar as an alternate member of the Midway City Planning Commission
- l. Resolution 2025-12 clarifying the spelling of Alpenhof for existing street names.
- m. Zoning violation fine for Randy Lundin
- n. Temporary use permit for High Valley Arts to exceed the allowed sound levels for a musical production at 200 South and 400 East. An application fee waiver is not requested.

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

Mayor Johnson read the consent agenda.

Several council members asked that all applications for all open positions be provided to the Council.

**Motion:** Council Member Simons moved to accept the consent agenda with all items.

**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.

#### Homestead Golf Course / Easement Agreement

Jim Becker made the following comments:

- Lived in the Turnberry PUD which bordered the Homestead Golf Course.
- The owners of the golf course had to maintain a water feature as part of an easement agreement. They were not maintaining the feature.

- Requested that no more approvals or concessions be granted to The Homestead Resort until the owners honored all their easement agreements.

#### Homestead Drive / Repaving and Storm Water

Mr. Becker asked if Homestead Drive would be repaved after construction at the Homestead Resort was completed. He indicated that storm water was undercutting the road at the curve and intersection with 200 North. Wes Johnson responded that the road would be repaved. He asked to meet with Mr. Becker regarding the stormwater.

No further comments were offered.

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

##### Housing Authority / Heber City

Council Member Payne reported that Heber City wanted to use the affordable housing in lieu fees, generated in Heber, in its downtown instead of providing them to the Wasatch County Housing Authority.

##### HVRR / Redevelopment

Mayor Johnson reported that the Heber Valley Railroad (HVRR) Board received a presentation on redeveloping the area around its depot. She indicated that the presentation was simply an idea and was being misrepresented on social media. Council Member Payne stated that another idea was to develop the property to the west of the depot owned by the Heber Light & Power Company.

##### Financial Report

Brad Wilson explained that the State of Utah required a monthly and quarterly financial report be provided to the City Council. He added that the reports would be a tool that the Council could use to monitor the City's finances and budget.

Council Member Simons asked if Mr. Wilson had any concerns with the report as presented. Mr. Wilson responded that several lime items were over budget. He noted that the report was coming late in the fiscal year.

Council Member Simons expressed concern that the Public Works Department was overbudget and requesting two additional employees and additional overtime. He questioned why wages would be over budget instead of being applied to overtime. Nancy Simons responded that some of the Department's budget would be applied to the Water Fund.

##### Boosters / Founders' Day / Swiss Days

Council Member Simons reported that the Midway Boosters would help with Founders' Day and was preparing for Swiss Days.

**5. Tentative FY 2026 Budget / Adoption** (Budget Officer – Approximately 10 minutes) – Discuss and possibly deny, continue, or adopt a tentative budget for FY 2026.

Nancy Simons reviewed the proposed tentative budget and the following items:

- General Fund
- Capital Improvement Projects Fund
- Water Fund

Ms. Simons indicated that the budget did not balance.

**Note:** A copy of the budget as presented is contained in the supplemental file for the meeting.

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

- Additional work on the City's water system and the Midway Sanitation District's sewer system had been added to the trail project along north Center Street. Wes Johnson explained the additional work. The additional cost for this work would be provided before the final budget was adopted.
- The original portion of the trail project would be done first. The additional work might happen the following spring.
- The project did not include any work on the pressurized irrigation system.
- The irrigation system should be expanded to all residents. This could be discussed at the next Midway Irrigation Company Board meeting.
- Improvements to the ice rink should be removed from the budget because the associated grant application was denied.
- The proposed vacuum truck should be removed to balance the budget.

**Note:** Slides showing the additional work on the water system are contained in the supplemental file.

**Motion:** Council Member Simons moved to adopt the tentative budget for fiscal year 2026 as presented with the adjustments discussed.

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

**Discussion:** None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simons	Aye

- 6. Tentative FY 2026 Budget / Set Public Hearing** (Budget Officer – Approximately 5 minutes) – Discuss and possibly deny, continue, or set a public hearing, on the tentative budget for FY 2026, for 17 June 2025, 5:00 p.m. at the Midway Community Center (160 West Main Street, Midway, Utah).

Brad Wilson explained the requirement to formally set a public hearing on the tentative budget.

**Motion:** Council Member Simonsen moved to set a public hearing for 17 June 2025, 5:00 p.m. at the Midway Community Center.

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

**Discussion:** None

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

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

### **Department Reports (Continued)**

#### Law Enforcement / School Zones / E-bikes / Activity / Command Vehicle / Motorcycle Officer

Officer Blain Rigby reviewed the following items regarding law enforcement:

- Law enforcement was still focusing on speed control in school zones.
- Educating the public on e-bike regulations.
- Responses to calls.
- New command vehicle.
- The Heber City Police Department would have a second motorcycle officer.
- Would pay attention to the increased traffic in Midway caused by navigation apps redirecting drivers around Heber City's traffic.

- 7. Resolution 2025-13 / C-PACE Professional Services Agreement** (Theddi Chappell – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-13 adopting a professional services agreement with SRS to administer the Commercial Property Assessed Clean Energy (C-PACE) Program for Midway City.

Theddi Chappell gave a presentation regarding the program and reviewed the following items:

- Utah's involvement in the C-PACE program.
- History of the program.

- C-PACE explained
- Program benefits and characteristics
- Capital providers
- Who benefited from the program.
- What was eligible for the program?
- C-PACE 2.0
- Basic steps in the application process.
- How the process worked.
- Jurisdictional perspective
- Closed projects
- C-PACE funding comparison

Ms. Chappell also made the following comments:

- The Ameyalli developer wanted to participate in the program. They, not the City, would pay the administration costs.
- The City would have minimal risk.
- SRS would validate an applicant's eligibility.
- The City would levy the assessment and then assign it to the lender.
- State statute required the approval of the local government.
- The City's staff cost would not be paid by the developer. Payment could be a requirement of approval.
- SRS was the only administrator that would work on the City's behalf.
- There was a C-PACE lender that worked with an attorney in Utah. They were another option for administration. The Homestead Resort might have used them for their C-PACE financing. This was not illegal.
- Ameyalli would have to find another administrator if the City did not approve the proposed agreement with SRS.
- Worked for the State and the parties involved.
- SRS had the appropriate resources including engineers. Most cities did not have these resources.

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

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

- The agreement as presented approved SRS as the City's administrator for three to five years.
- The administrator should be approved on a project-by-project basis.
- The program created more environmentally friendly and energy efficient developments.
- The City would not receive a significant number of applications for the C-PACE program.
- The application from Ameyalli should be submitted and reviewed before the approval of an administrative agreement.
- An administrator was needed first to review Ameyali's application.
- Should both the administration agreement and Ameyalli's application be considered at the same time?
- Approving the agreement would let Ameyalli know who to work with.

- The administration agreement should be tied just to Ameyalli's application and no other projects.

**Motion:** Council Member Simons moved to approve Resolution 2025-13 adopting a professional services agreement for SRS to administer the Commercial Property Assessed Clean Energy (C-PACE) Program for Midway City with the following conditions:

- Each application would be handled individually.
- The City's expenses would be paid by the applicant.
- The agreement was subject to the City Attorney's approval.

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

**Discussion:** Council Member Simonsen said that the Council was being forced to accept the State's choice for an administrator.

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

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

Mayor Johnson indicated that she voted against the motion to give the Council time to better understand the issue and have its questions answered.

**Motion:** Council Member Payne moved to continue the item.

**Discussion:** Council Member Simonsen felt that the approval could be tied just to Ameyalli.

**Withdrawal:** Council Member Payne withdrew his motion.

**Motion:** Council Member Simonsen moved to approve SRS as the administrator for the expected Ameyalli application with the following conditions:

- The agreement would meet the approval of the City and SRS.
- Ameyalli would pay the City's expenses.

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

**Discussion:** None

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

Council Member Drury	Excused from the Meeting
Council Member Orme	Aye

Council Member Payne	Aye
Council Member Simons	Aye
Council Member Simonsen	Aye

- 8. Ordinance 2025-12 / TROD Amendment** (Jason and Malinda Powers – Approximately 30 minutes) – Discuss and possibly deny, continue, or adopt Ordinance 2025-12 expanding the Transient Rental Overlay District (TROD) for Midway City to include a property at 62 West 300 South (Zoning is R-1-22). Recommended for denial by the Midway City Planning Commission. **Public Hearing**

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

- Land use summary
- Location of the proposed change.
- Other TROD rezones
- General Plan
- Potential impacts
- Possible findings in support
- Possible findings in opposition

Mr. Henke also made the following comments:

- The ordinance would amend the transient rental overlay zone on the City's zoning map.
- The underlying zone would remain the same.
- The property was next to the commercial zone and TROD.
- The General Plan discouraged the expansion of the TROD.
- Received one written response to the ordinance.
- The Planning Commission recommended denying the request.

**Note:** A copy of Mr. Henke's presentation and the written response received are contained in the supplemental file for the meeting.

### **Public Hearing**

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

### **Jason Powers, Applicant**

Mr. Powers made the following comments:

- Lived at the property since 2008.
- Had to move because of work.
- Did not want to completely cut ties with Midway.
- Wanted to rent the house a third of the time and live in it a third of the time. It would be empty the rest of the time.
- The property was touched on two sides by the commercial zone and TROD.



- The Planning Commission worried that the next house, then the next house, and so on would be included in the TROD. Only two TROD expansions were approved in two years.
- The property would be taxed at the full property rate if it was a nightly rental.
- It would serve an underutilized area of the commercial zones.
- It was close to downtown Midway and would alleviate parking concerns.
- It was also close to trails.
- Agreed that rentals should be licensed.
- His wife was a property manager and knew the regulations for nightly rentals.
- Disagreed that if you allowed one nightly rental in the neighborhood then you would have to allow every house to be a nightly rental.
- The subdivision allowed nightly rentals.
- A neighboring house was in the TROD.

#### Bonnie McNair

Ms. McNair made the following comments:

- Having a nightly rental was an ordeal.
- Lived between nightly rentals. They created noise, parking, and garbage problems.
- Built her house in a residential neighborhood and not a resort zone.
- If one nightly rental was allowed, then other houses in the neighborhood would also become nightly rentals.
- Nightly rentals were lucrative.
- The City should deny the request.

#### Malinda Powers, Applicant

Ms. Powers made the following comments:

- Had been a licensed property manager for three years.
- Managed properties in Midway.
- Had not received any complaints about the properties that she managed.
- Midway had good regulations for nightly rentals.
- Understood Ms. McNair's opinion.
- The property was one house from Center Street.
- There would be minimal traffic.
- The City's regulations covered parking.
- Renting would allow her and her husband to come back and use the house.
- Would be strict about who rented the house because it was her property.
- Wanted to retain ties to Midway.

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

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

- Every member of the Planning Commission vocally opposed the request.

- Parking and activities during the night were a problem with nightly rentals.
- The Planning Commission noted that the General Plan discouraged expanding the TROD.
- Midway was a resort community.
- People wanted to buy homes in Midway and use them as nightly rentals.
- There were two houses in the neighborhood that were for sale and would become nightly rentals if allowed.
- Nightly rentals were a problem for the neighbors.
- There was a high demand for nightly rentals.
- The TROD needed to end somewhere.
- Wanted to support the applicants but the bigger picture needed to be considered.
- The property was not in the core of the City.
- Maintaining the resort tax influenced the City's land use decisions.
- Nightly rentals could become party houses.
- The slow expansion of the TROD was a concern.

**Motion:** Council Member Simons moved to deny Ordinance 2025-12, expanding the Transient Rental Overlay District (TROD) for Midway City to include a property at 62 West 300 South (Zoning was R-1-22), with the following findings:

- Language in the General Plan discouraged the expansion of the TROD because it could potentially reduce full-time residence housing stock and could impact the feel of the community.
- The City Council was under no obligation to recommend approval of the proposal but might deny it if they found that it would not benefit the community.

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

**Discussion:** None

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

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

**Motion:** Without objection, Mayor Johnson recessed the meeting at 7:37 p.m. She reconvened the meeting at 7:46 p.m.

- 9. Midway Granary / Plat Map Amendment** (James Hendricks – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve a plat map amendment to allow condominiums in the Midway Granary located at 695 East Main Street (Zoning is C-2). Recommended for approval with conditions by the Midway City Planning Commission.
- Public Hearing**

**10. Midway Granary / Conditional Use Permit** (James Hendricks – Approximately 20 minutes)  
– Discuss and possibly deny, continue, or approve a conditional use permit (CUP) for the Midway Granary located at 695 East Main Street (Zoning is C-2). Recommended for approval with conditions by the Midway City Planning Commission. **Public Hearing**

Katie Villani gave a presentation regarding the proposed amendment and reviewed the following items:

- Land use summary
- Location of the development
- Original plat map
- Proposed plat map
- Plat map notes
- Discussion
- Conditional use permit
- Analysis
- Possible CUP findings
- Plat map amendment
- Possible plat map amendment findings
- Noticing
- Proposed conditions

Ms. Villani also made the following comments:

- The uses and the parking would remain the same.
- Some shared easements would be needed.
- The development was in the TROD.
- The note regarding nightly rentals should be removed from the proposed plat map in case the boundaries of the TROD changed.
- The development complied with the City's dark sky regulations.
- The parking lot would be a shared resource among the unit owners. All shared space would be administered by the property owners' association (POA).
- Received a letter from a neighbor requesting that nightly rentals not be allowed in the development. However, it was already in the TROD.
- The owner already had a conditional use permit.
- The ownership type but not the uses would change.

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

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

- The City received a letter indicating that renters were being evicted from the residential units.
- Renting was insecure and purchasing a unit was more stable and a less expensive means of ownership.

Russ Watts, Watts Enterprises and the applicant, made the following comments:

- A reserve fund and approved budget were required for the POA.

- Both the residential and commercial units could be individually owned.
- A lot of people wanted to live in Midway.
- The residential units would be good for older individuals.
- The units might cost \$300,000 to \$400,000.
- The CC&Rs would regulate parking.
- Parking stickers would be provided to owners.
- There had not been a significant conflict between the commercial and residential parking.

### **Public Hearing for the Plat Map Amendment**

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

#### **Bill Stern**

Mr. Stern asked if the development would become residential units. Katie Villani responded that five units would be commercial, and the rest would be residential.

Mayor Johnson closed the public hear when no further comments were offered.

### **Public Hearing for the Conditional Use Permit**

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 Orme moved to approve the Midway Granary plat map amendment with the following findings:

- The application sought to change ownership of the Granary building from single ownership to individual ownership of the units as condominiums. The property would change from one taxpayer identification number to different taxpayer identification numbers for each unit.
- The proposal would give residents and commercial companies the option to own their residence/commercial site as opposed to renting.
- The proposal might help the City comply with State requirements regarding the ability to collect resort tax.
- Commercial condominium developments and mixed commercial and residential condominium developments were conditional uses in the C-2 zone.
- The change in ownership necessitated the creation of a Property Owners' Association (POA) for the proposed mixed use commercial and residential development. Creation of a POA and recording of Codes, Covenants, and Restrictions (CC& Rs) were conditions precedent for this application
- The change in ownership necessitated a Plat Amendment. Such amended plat map would depict any and all common areas and/or limited common areas as well as set forth easements necessary for access to the units and maintenance of utility lines including, but not limited to, shared electric and gas lines and water and sewer lines servicing the property.

- Good cause for the proposed plat amendment existed in that it would permit separate ownership of the units and investment by multiple owners in the community. No public streets, rights-of-way or easements would be vacated or altered by the proposed plat map amendment.
- Creation of a Property Owners' Association (POA) and CC&Rs was required prior to the recording of any amended plat map. The Applicant had forwarded proposed CC&Rs to the City for review.
- Lighting would comply with the City's current lighting ordinance.
- Easements necessary for access to and maintenance of utility lines required for individual owners would be recorded and depicted on the plat map. The plat map provided by the applicant contained a note to this effect.
- Access easements necessary to accommodate the proposed change in ownership would be recorded and depicted on the plat map. The plat map provided by the applicant contained a note to this effect.
- The first note on the proposed amended plat map, referencing nightly rentals, would be removed prior to recording the plat map.

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

**Discussion:** None

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

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

**Motion:** Council Member Simons moved to approve the conditional use permit for the Midway Granary with the following findings and conditions:

- The proposed use was conditionally permitted within the Land Use Title and would not impair the integrity and character of the intended purpose of the subject zoning district and complied with all of the applicable provisions of this Code; planning staff believed that the proposal would not impair the integrity and character of the C-2 zone. The proposal appeared to comply with the requirements specific to commercial and mixed-use projects as listed in the Municipal Code. The design of the project was reviewed and approved at the time of construction and remained unchanged. The only contemplated change was ownership, not use.
- The proposed use was consistent with the General Plan; the proposed uses were not changing from the existing use, which was granted as a conditional use permit. The only change contemplated was ownership.
- The approval of the conditional use or special exception permit for the proposed use was in compliance with the requirements of state, federal and Midway City or other local regulations; the businesses located in the development were required to have approved business licenses with the City. Again, the use remained unchanged. The only change contemplated was ownership.
- There would be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; none known. The use remained unchanged from the current use which was granted as a conditional

use permit.

- The design, location, size, and operating characteristics of the proposed use were compatible with the existing and future land uses with the general area in which the proposed use was to be located and would not create significant noise, traffic, or other conditions or situations that might be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; the use remained unchanged from the current use for which a Conditional Use Permit was granted. The City had not received substantiated complaints regarding noise or traffic in connection with the current use.
- The subject site was physically suitable for the type and density/intensity of the proposed use; it appeared that the location was suitable for this type of business as they had been operating at the location and the use remained unchanged.
- There were adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety; the proposed use was a continuation of the existing use of the site. The City had not received any complaints regarding access, traffic flow, etc., and was aware of no detriments to public health and safety associated with the current use.
- Creation of a Property Owners' Association (POA) and CC&Rs was required prior to the recording of any amended plat map. The Applicant had forwarded proposed CC&Rs to the City for review.
- Lighting would comply with the City's current lighting ordinance.
- Easements necessary for access to and maintenance of utility lines required for individual owners would be recorded and depicted on the plat map. The plat map provided by the applicant contained a note to this effect.
- Access easements necessary to accommodate the proposed change in ownership would be recorded and depicted on the plat map. The plat map provided by the applicant contained a note to this effect.
- The first note on the proposed amended plat map, referencing nightly rentals, would be removed prior to recording the plat map.

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

**Discussion:** Council Member Simonsen asked if the issues from the previous CUP would continue with the new CUP. Ms. Villani responded that they would.

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

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

**11. Resolution 2025-11 / Homestead Master Plan Third Amendment** (City Planner – Approximately 30 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-11 adopting a third amendment to the Homestead Master Plan. Recommended for approval with conditions by the Midway City Planning Commission.

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

- Land use summary
- Proposed amendments
- Location of the core resort area
- Approved master plan
- Relocation of the maintenance building
- Previous golf cart storage building
- Open space map
- Reasons for the proposal
- Noticing
- Possible findings
- Pine Canyon Road access
- Propose conditions

Mr. Henke also made the following comments:

- This was the third amendment to the master plan.
- The maintenance building would be relocated.
- The golf cart storage would be combined with the maintenance building.
- The building would be at a lower elevation. It would not be as visible to the neighbors.
- The closest neighbor was notified and spoke with the Planning Department and the applicant.
- A second neighborhood meeting was held because the first meeting was not properly noticed.
- The proposal was designed to limit traffic through The Links at Homestead.
- The access from Pine Canyon Road would be narrow. This would help prevent it from becoming a main access to the resort.

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

Ben Shakespear, applicant, made the following comments:

- Did not want the Pine Canyon Road access to service the core of the resort.
- Guests should check in at the main building and then be shuttled to the spa.
- Struggled with where to put the maintenance building.
- The proposed location would bury the building on three sides. This was the best location with the least impact.
- Deliveries, including those to the spa, would be made to only two locations.

## **12. The Homestead Resort and The Homestead Hotel Condominiums / Plat Map**

**Amendments** (Berg Engineering – Approximately 15 minutes) – Discuss and possibly deny, continue, or approve plat map amendments for The Homestead Resort and The Homestead Hotel Condominiums located at 700 North Homestead Drive. Recommended for approval by the Midway City Planning Commission (Zoning is Resort).

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

- Proposed amendments
- Existing versus proposed plat maps
- Possible findings

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

### **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 Simons moved to approve Resolution 2025-11, adopting a third amendment to the Homestead Master Plan, with the following findings and conditions:

- The total amount of open space for the resort core would remain unchanged at 10.53 acres.
- Two neighborhood meetings were held between the developer and surrounding property owners.
- Vehicle trips on Pine Canyon Road would increase if access was granted for the spa from Pine Canyon Road.
- The number of parking spaces at the spa would be limited to 10.
- Landscaping would be installed north of Fairway Drive to discourage unauthorized trips through The Links' private roads.

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

**Discussion:** Council Member Simonsen noted that the maintenance building would be in the middle of the open space, but the location would protect the viewshed.

Michael Henke noted that the item was legislative and discretionary.

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

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

**Motion:** Council Member Orme moved to approve the plat map amendments for The Homestead Resort and The Homestead Hotel Condominiums, located at 700 North Homestead Drive, with the following findings:

- The lot line between Lot 3, Open Space Lot B, and The Homestead Hotel Condominiums Lot 2 would be adjusted.
- The amount of open space would remain unchanged.
- State code required that the petition be approved if no land use ordinance were



violated.

- No public street, right-of-way, or easement would be vacated or altered.
- The duration of a plat amendment approval would be for one year from the date of approval of the amendment by the City Council.

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

**Discussion:** None

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

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

**13. Resolution 2025- 15 / Southill PUD Master Plan Third Amendment** (Dan Luster – Approximately 30 minutes) – Discuss and possibly deny, continue, or approve Resolution 2025-15 adopting a third amendment to the master plan for the Southill PUD located at 541 East Main Street (Zoning is C-2).

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

- Location of the development
- Site plan
- Phasing plan
- Current language
- Discussion items
- Possible findings

Mr. Henke also made the following comments:

- The item was not noticed for a public hearing.
- It was the third amendment to the master plan.
- The amendment applied to Phase 3.
- The current master plan prohibited recording of the phase 3 plat map until the traffic signal at Main Street and 400 West was installed.
- The amendment would allow recording but prohibited certificates of occupancy until the signal was installed.
- In the next few weeks UDOT would open the installation for bids.
- Construction would occur that year and possibly continue into the following year.
- Did not have any recommended conditions.

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

Mayor Johnson indicated that Council Member Drury wanted the access from River Road to not

be used until the traffic light was installed. He wanted that restriction in the agreement.

Paul Berg, Berg Engineering Resource Group and representing the applicants, said that the access from River Road would not be constructed immediately.

Wes Johnson asked about the applicant paying any of the cost for the traffic light. Dan Luster, applicant, responded that he would have to review the agreement. He thought that the requirement only applied if he installed the light instead of UDOT.

**Motion:** Council Member Payne moved to approve Resolution 2025-15, adopting a third amendment to the master plan for the Southill PUD, with the following findings and conditions:

- Studies by UDOT found that the traffic signal at Main Street and River Road was warranted.
- The current language required the traffic signal before the phase 3 plat map was recorded.
- The proposed language would require the traffic signal be installed before any certificate of occupancy was issued in Phase 3.
- The proposed change should not impact the traffic situation of the area since no units would be occupied in phase 3 with either the existing language or the proposed language.
- The proposal to amend the master plan agreement was a legislative action.
- Safety concerns might necessitate that the access from River Road not be open to the public until the traffic signal at Main Street and 400 West was installed.

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

**Discussion:** None

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

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

Council Member Simonsen asked who helped move Inez Wilde's garage which was next to Southill. It was indicated that UDOT, Mike Tagliabue with Watts Enterprises, and the City Engineer facilitated the move at no cost to Ms. Wilde.

Mr. Luster made the following additional comments:

- Was concerned about the amount of parking for businesses in the southeast corner of Southill.
- Would request in the future that the parking lot for that area be stacked. A section would be below ground and a section at ground level. The area was already 2/3 excavated.
- Wanted to add the additional parking instead of relying on valet parking and parking restrictions.

**14. Cozens Subdivision / Second Plat Map Amendment** (Glen Lent – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve a second plat map amendment for the Cozens Subdivision located at 840 South Stringtown Road (Zoning is RA-1-43).

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

- Background
- Location and topography
- Proposed plat map
- Floodplain
- Code change
- Discussion items
- Possible findings

Mr. Henke also made the following comments:

- Any flooding would go to the east because of the slope on the lot.
- The request would reduce the setback from the floodplain from 50 to 25 feet.
- There was a limited area to build a house.
- The lot rose quickly then flattened.
- The applicant received an opinion from the Utah Property Rights Ombudsman. The City disagreed with the Ombudsman's opinion.
- The placement not the size of the house was the issue.

**Note:** Copies of Mr. Henke's presentation and a letter regarding the request are contained in the supplemental file for the meeting.

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

- There was probably a 15-foot elevation change on the lot.
- Could the applicant receive a rear setback exemption because of the lot being so narrow?
- The floodplain setback should be altered only where the house would encroach instead of reducing the entire setback. The layout of the house would be needed to determine the encroachment.
- The Council could allow the house to be built on any part of the flat area.
- The floodplain should be protected but flexibility also allowed for adjustments.
- A letter was submitted opposing the change.
- Reducing the rear setback would affect the neighbors to the west.
- The applicant knew the challenges with the lot when he bought it.

Glen Lent, applicant, made the following comments:

- Wanted a safe turnaround for emergency services and deliveries.
- Wanted the front of the house to face west.
- Already had a 50-foot setback from Stringtown Road.
- Did not want to encroach on Cascade Meadows.

- A 50-foot setback from the floodplain was arbitrary.
- There was not any risk of flooding nor was there a safety issue with reducing the floodplain setback.
- The Municipal Code allowed for exceptions to the floodplain setback.
- The City's setback from wetlands was 25 feet.
- His house would be behind the trees along the creek.
- Was asking for some flexibility.
- Would agree to adjusting the floodplain setback just where the house would encroach.
- Did not yet have the plans for his house.

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

- A bad precedence should not be established.
- An exception to the floodplain setback had never been given because of slope or grading.
- The 50-foot setback was adopted to preserve waterway corridors.
- Staff should meet with the applicant to determine which portion of the floodplain setback needed to be adjusted.
- The property should be visited before a decision was made.

**Motion:** Council Member Payne moved to continue the item.

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

**Discussion:** Mr. Lent asked what the continuance meant. Mayor Johnson responded that he should meet with the City Planning Director and City Engineer to determine where the setback needed to be adjusted. He should then come back to the Council with a building envelope that showed the adjustment.

Council Member Payne noted that if the request was denied then the applicant would have to submit another application and begin the process again.

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

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

## 15. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

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

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

**Discussion:** None

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

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

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

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

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

**Discussion:** None

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

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

## 16. Adjournment

The meeting was adjourned at 10:21 p.m.

  
Celeste Johnson, Mayor

  
Brad Wilson, Recorder