



# Memo

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**Date:** January 27, 2026

**To:**

**Cc:**

**From:** Brad Wilson, City Recorder

**RE:** Minutes of the January 20, 2026 Regular City Council Meeting

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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, January 20, 2026, 6:00 p.m.  
Midway Community Center, Council Chambers  
160 West Main Street, Midway, Utah**

**Note:** Notices/agendas were posted at 7-Eleven, The Market 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, and Planning Director. The public notice/agenda was published on the Utah State Public Notice Website and on the City's website. A copy of the public notice/agenda is contained in the supplemental file for the meeting.

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

Mayor Simons called the meeting to order at 6:00 p.m.

#### **Members Present**

Craig Simons, Mayor  
Andy Garland, Council Member  
Kevin Payne, Council Member  
JC Simonsen, Council Member

#### **Members Excused**

Lisa Orme, Council Member

#### **Staff Present**

Tex Couch, City Building Official/Fire  
Marshal

Corbin Gordon, City Attorney (Arrived at  
6:46 p.m.)  
Michael Henke, City Planning Director  
Wes Johnson, City Engineer  
Camille Palmer, Mayor's Assistant  
Nancy Simons, City Budget Director  
(Participated electronically)  
Jennifer Sweat, City Treasurer  
Katie Villani, City Planner  
Brad Wilson, City Recorder

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

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

### **2. Consent Agenda**

- a.** Agenda for the January 20, 2026 City Council Regular Meeting
- b.** Warrants
- c.** Minutes of the December 2, 2025 City Council Closed Meeting
- d.** Minutes of the December 17, 2025 City Council Meeting
- e.** Minutes of the January 5, 2026 Swearing-In Ceremony

- f. Resolution 2026-01 approving compensation for council members serving on various boards.
- g. Appoint Jennifer Sweat as the Midway City Treasurer
- h. Appoint Brad Wilson as the Midway City Recorder
- i. The amount of crime insurance required for each municipal officer shall be a maximum of \$5 million aggregate and \$5 million per act.
- j. Written decision by Midway City Appeals Board of the appeal, by the Chalets on the Creek HOA, of the issuance by the Midway City Planner of a site disturbance permit for the Homestead Golf Course located at 700 North Homestead Drive.
- k. Resolution 2026-03 authorizing users to access and/or transact with Public Treasurer's Investment Fund (PTIF) accounts.

**Note:** Copies of items 2a, 2b, 2d, 2e, 2f, 2g, 2h, 2i, 2j, and 2k are contained in the supplemental file for the meeting.

Mayor Simons read the consent agenda.

Council Member Garland asked what "BackNET paid" meant on the warrant list. Jennifer Sweat responded that it indicated that the BackNET law enforcement taskforce paid the warrant instead of the City. She explained that some BackNET expenses were paid by the taskforce while others were paid by the City and reimbursed through a grant.

Branden Russell, Heber City Deputy Chief of Police and the taskforce commander, explained the taskforce.

Council Member Garland asked about a taskforce reimbursement for equipment. Ms. Sweat responded that an officer in the taskforce was reimbursed for equipment that he purchased.

Council Member Garland asked if the City had a revolving credit plan with Home Depot. He noted that there were late fees and interest charges for that vendor. Ms. Sweat responded that invoices had not been turned in on time, so fees and charges were incurred.

Council Member Garland asked about the purchase of two impact guns. He asked if they replaced existing equipment. Ms. Sweat responded that they either replaced equipment or equipped vehicles.

**Motion:** Council Member Simonsen moved to approve consent agenda items 2a through 2k.

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

**Discussion:** None

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

Council Member Garland	Aye*
Council Member Orme	Excused
Council Member Payne	Aye
Council Member Simonsen	Aye

\* Council Member Garland abstained from voting on items 2c, 2d, 2e, and 2j.

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

Mayor Simons asked if there were any comments from the public about items that were not on the agenda.

#### Randy Lundin

Mr. Lundin made the following comments:

- Thanked Wes Johnson and Travis Smout, Midway City Inspector, for their work.
- Complimented Kirk Lee and BD Bush for their work on city projects.
- Thanked former mayor Celeste Johnson.
- Congratulated Mayor Simons.

No further comments were offered.

### **4. Department Reports**

#### Law Enforcement

Deputy Chief Russell introduced Bane a new canine with the Heber City Police Department. He reviewed the new branding for the Department including patches and identification on police vehicles.

#### Information Technology

Brad Wilson gave an update on the transition to a new managed IT provider.

#### Financial Report for November 2025

Brad Wilson asked if there were any questions regarding the financial report provided to the Council. Council Member Garland asked why wage and benefit costs were so high for the City's souvenir shop. Nancy Simons responded that the manager had other responsibilities that were not related to the shop. She added that a portion of the manager's wages and benefits needed to be transferred to the General Fund.

#### Legislative Update

Katie Villani gave a presentation on the current session of the Utah State Legislature and reviewed the following items:

- Retiring legislators
- State senate priorities

- State house priorities
- Property taxes
- Home ownership
- Land use

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

**5. Wasatch Trails Foundation / TAP Grant** (Mia Yue – Approximately 10 minutes) – Receive a report on Trails, Arts, and Parks (TAP) funds received by the Wasatch Trails Foundation.

Mia Yue, Wasatch Trails Foundation Executive Director, gave a presentation regarding TAP funds received from Midway City. She reviewed the following items:

- Trail crew statistics
- Trail crew accomplishments
- Trail areas maintained in 2025
- Trailforks software and reports

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

Mayor Simons thanked the Foundation for its work and noted that trails were important to Midway.

**6. Wildland Urban Interface Modifications / Map** (Tex Couch, City Fire Marshall – Approximately 10 minutes) – Discuss and possibly adopt a map related to wildland urban interfaces (WUI).

Tex Couch gave a presentation regarding the WUI and reviewed the following items:

- Code requirements
- WUI
- High risk map
- City WUI map

Mr. Couch made the following comments:

- Information necessary to adopt the map and associated code language was not received until the previous week.
- A base fee would be charged for two years to pay for a risk assessment program. The program would determine fees to charge property owners for wildfire related costs.
- The City needed to adopt the high-risk map and its own WUI map.
- Would become certified as a wildfire risk assessor.

**Note:** Corbin Gordon arrived at 6:46 p.m.

- The fees would be collected with property taxes.
- The fees would be used for the assessments.
- Wanted to be proactive and meet with affected property owners before 2028.
- The city map should include areas with a wildfire risk of five or higher.
- The fee would be based on a structure's square footage beginning in 2028.
- The high-risk areas would be updated every three years.
- The City's map could be based on the Wasatch County Fire District's fire line for Midway.

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

Katie Villani made the following comments:

- Property owners assumed the risk if they built in high risk areas.
- Insurance companies would have to accept the maps and could not increase their premiums more than 20%.
- The City could revise its map.
- The maps would be available to buyers.

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

- The program would emphasize fire resistant building materials and methods.
- The maps would be reviewed that evening and then adopted when more information was available.
- The City's map should be completed before it was approved.

**7. Ordinance 2026-05 / TROD Amendment** (Craig Simons, Mayor – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2026-05 repealing Ordinance 2025-27 which expanded the Transient Rental Overlay District to include the property at 71 South 200 West. **Public Hearing** – Public comment must be related to this item on the agenda.

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

- Effected area
- History
- Municipal Code Section 2.02.030

Mr. Henke also made the following comments:

- New information had been received which precipitated the reconsideration.
- Mayor Simons made the motion to expand the TROD when he was a council member. He requested the reconsideration.
- A letter had been submitted opposing the expansion. It was provided to the Council for the meeting when the expansion was approved.
- Other residents spoke in opposition to the expansion during the required public hearing.
- The effected property included a house and a separate structure which was not a full dwelling. The Municipal Code did not allow one structure to be lived in and the other to be rented.

- The Midway City General Plan recommended against expanding the TROD.

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

Council Member Payne stated that expanding the TROD was a "slippery slope". He noted that he voted against the expansion.

### **Public Hearing**

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

#### **Lynette Wilson**

Ms. Wilson made the following comments:

- Was concerned that a house on 100 West that was being renovated would become a nightly rental.
- Were the owners seeking approval for a nightly rental? Was the property in the TROD?

Michael Henke responded that the owner had not sought approval and the property was not in the TROD.

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

**Motion:** Council Member Garland moved to approve Ordinance 2026-05, an ordinance to repeal Ordinance 2025-27, which retracted the Transient Rental Overlay District to exclude the property at 71 South 200 West.

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

**Discussion:** None

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

Council Member Garland	Aye
Council Member Orme	Excused
Council Member Payne	Aye
Council Member Simonsen	Aye

Mayor Simons explained that the Council would review the zoning in this area, the TROD, and the areas where the commercial and residential zones met.

Clair Provost made the following comments:

- Lived in the neighborhood affected by the ordinance.
- Expanding the TROD was a "slippery slope".

- Opposed expanding the TROD.

8. **Ordinance 2026-02 / Resort Setbacks** (Michael Henke, City Planning Director – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2026-02 amending Subsection 16.15.040.G.11.c(3) of the Midway City Municipal Code reducing the setbacks for certain structures in the resort zone. Recommended for approval by the Midway City Planning Commission. **Public Hearing** – Public comment must be related to this item on the agenda.

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

- Current code
- Proposed code
- Core area of the Homestead Resort
- Greater area of the Homestead Resort
- Discussion points
- Setback changes
- Possible findings for and against

Mr. Henke also made the following comments:

- The ordinance would only apply to a specific area of the Resort.
- It only applied to property located next to dedicated golf course open space.
- The setbacks in the affected area would be reduced from 30 feet to 10 feet.
- The only other ways to make the change would be an amendment to the Master Plan Agreement or a legislative development agreement.
- The item was a legislative decision.
- The Municipal Code prohibited the reduction of open space.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- Setbacks protected neighbors from each other and from utilities.
- No neighbors needed to be protected in the affected area. The only concern was the utility corridor.
- The size of the units would not be increased.
- The change would create a better amenity and improve the fit on the site.
- The units would be further from the neighbors to the east.
- The lower four units would be moved.
- Two other units were still being designed.
- The intent was not to impact anything else.
- The applicants would have to request a master plan amendment if the ordinance was not adopted.
- The open space in the area could not be reduced because it was tied to The Links at Homestead PUD.

## **Public Hearing**

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

### **Tom Wardle**

Mr. Wardle made the following comments:

- Would the Homestead sell the units? Michael Henke responded that they might be sold.
- The units would be hit by more golf balls if the setbacks were reduced.

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

Council Member Payne pointed out that future councils could alter the ordinance.

Council Member Simonsen made the following comments:

- The ordinance should specify that golf courses had a size.
- Clarify which property line was used for the setback.
- Owners next to a golf course realized errant golf balls would be a problem.

Paul Berg made the following additional comments:

- Hole ten would be reduced from a par 4 to a par 3. This would not completely eliminate errant golf balls.
- The proximity to the golf course would be included in the real estate disclosures.
- Was not sure that the Homestead Resort would sell the units.

**Motion:** Council Member Simonsen moved to approve the code change request for the specific circumstances with the suggested edits.

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

**Discussion:** None

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

Council Member Garland	Aye
Council Member Orme	Excused
Council Member Payne	Aye
Council Member Simonsen	Aye

**9. Ordinance 2026-03 / Noticing Requirements** (Katie Villani, City Planner – Approximately 30 minutes) – Discuss and possibly adopt Ordinance 2026-03 amending the Midway City Municipal Code regarding noticing requirements. Recommended for approval by the Midway

City Planning Commission. **Public Hearing** – Public comment must be related to this item on the agenda.

Katie Villani gave a presentation regarding the request and reviewed the proposed findings. She also made the following comments:

- The Wasatch Wave was no longer published.
- Many sections of the Municipal Code required publishing in a newspaper.
- Other types of noticing were now more prevalent.
- Proposed that the requirement for publishing in a newspaper be eliminated.
- The ordinance did not prohibit the City from publishing in a newspaper if it wanted.

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

Council Member Simonsen asked the cost to notice in a newspaper. Michael Henke responded that his department spent as much as \$2,000 a year on newspaper publishing.

Michael Henke explained that the ordinance complied with all state requirements.

### **Public Hearing**

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

**Motion:** Council Member Payne moved to approve Ordinance 2026-03 amending the Midway City Municipal Code regarding noticing requirements and to adopt the following findings:

- The Proposed amendments to the noticing provisions were prompted by the closure of the former Wasatch Wave, the only newspaper local to the county, and to avoid duplication of state and local law.
- While other newspapers might develop circulation locally (e.g., the Wasatch Record), the closing of the longstanding Wasatch Wave suggested the impermanency of even long-established newspapers. While newspapers would continue to be an assistive vehicle to the City for noticing, removing it as a requirement in code while adding noticing through the City and state websites recognized the fact that a former longstanding paper went out of business and newspapers were not the overwhelming source of news and notice they once were.
- Noticing would be accomplished through posting in at least three public places within Midway City and on the Midway City website, generally, and mailing to affected entities and property owners where required by code.
- The proposed amendments complied with the notice requirements under state law.
- Midway policies and procedures should be amended to remain consistent with any changes in noticing.

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

**Discussion:** None

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

Council Member Garland	Aye
Council Member Orme	Excused
Council Member Payne	Aye
Council Member Simonsen	Aye

**10. Lundin Property / Revised Documents** (Corbin Gordon, City Attorney – Approximately 30 minutes) – Discuss and possibly approve documents, with additional revisions requested by the Lundin family, related to their property located at 900 West Bigler Lane and its preservation as open space.

Corbin Gordon made the following comments:

- Circulated revised documents but they had not been completed.
- Had not received the conservation easement.
- Received an email from Nora Lundin requesting to again discuss the preservation conditions.
- Wanted to wait until he received and had reviewed all the documents before they were considered by the Council.
- Some issues needed to be discussed in a closed meeting.
- Would provide redline copies of the documents to the Council.
- Wasatch County would not do a review until they received all the documents.
- Spent a lot of time on the Lundin Property. The City had paid him a lot of money for that work.

**11. Closed Meeting to Discuss the Purchase, Exchange, or Lease of Real Property**

**Motion:** Council Member Garland moved to go into a closed meeting to discuss real estate.

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

**Discussion:** None

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

Council Member Garland	Aye
Council Member Orme	Excused
Council Member Payne	Aye
Council Member Simonsen	Aye

**Motion:** Without objection, Mayor Simons recessed the meeting at 7:45 p.m. He reconvened the meeting at 7:52 p.m.

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

**Motion:** Council Member Garland moved to go out of the closed meeting and back into the regular council meeting.

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

**Discussion:** None

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

Council Member Garland	Aye
Council Member Orme	Excused
Council Member Payne	Aye
Council Member Simonsen	Aye

## 12. Adjournment

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

The meeting was adjourned at 8:03 p.m.

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Craig Simons, Mayor

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Brad Wilson, Recorder