# MINUTES OF THE MIDWAY CITY COUNCIL

## (Regular Meeting)

**Tuesday, June 2, 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 at Midway, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the Mayor, City Council, City Engineer, City Attorney, and 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
Lisa Orme, Council Member (Participated Electronically)
Andrew Osborne, Council Member
Kevin Payne, Council Member
JC Simonsen, Council Member

**Staff Present**

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Camille Palmer, Mayor's Assistant
Jennifer Sweat, Treasurer
Brad Wilson, 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 Simonsen gave the prayer and/or inspirational message.

### 2. Consent Agenda

- **a.** Agenda for the June 2, 2026 City Council Regular Meeting
- **b.** Warrants
- **c.** Minutes of the May 13, 2026 City Council Budget Meeting
- **d.** Minutes of the May 19, 2026 City Council Work Meeting
- **e.** Minutes of the May 19, 2026 City Council Closed Meeting

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

Mayor Simons read the consent agenda.

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

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

**Discussion:** None

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

| | |
|---|---|
| Council Member Garland | Aye |
| Council Member Orme | Aye |
| Council Member Osborne | Aye |
| Council Member Payne | Aye |
| Council Member Simonsen | Aye |

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

Mayor Simons asked if there were any comments from the public about items that were not on the agenda. No comments were offered.

4. **Department Reports**

<u>Melissa Jones</u>

Ms. Jones, representing the Historic Preservation Committee, said the Committee was engaged and active and reported on the following items:

- Historic building markers
- Oral histories
- YouTube channel
- Walking tour brochure

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

5. **Friends of Wasatch / TAP Grant** (Laura Bohn – Approximately 5 minutes) – Receive a report on Trails, Arts, and Parks (TAP) funds received by the Friends of Wasatch.

Laura Bohn, representing the Friends of Wasatch, reported on picnic tables and benches purchased with a TAP grant from Midway City. She indicated that the restoration of the Huber Grove Trail was upcoming.

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

6. **Board of Health and Health Department / Annual Report** (Sara Simonsen – Approximately 10 minutes) – Receive an annual report from the Wasatch County Board of Health and the Wasatch County Health Department.

Jonelle Fitzgerald, Wasatch County Health Department Health Officer, gave a report on the Health Department and reported on the following items:

- 2025 Annual Report
- Mission and vision
- Wasatch County Board of Health
- Program and services
- CARES program
- Medical Reserve Corps volunteers
- Fall prevention
- Flu clinics
- Budget
- Statistics
- Community input

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

7. **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 gave a presentation regarding the documents and reviewed the following items:

- Concerns with trail access
- Proposed trail gate configuration
- Conservation easement language

Mr. Gordon also made the following comments:

- Parties to the preservation effort met that morning.
- There was a difference of opinion on the public trail.
- Some members of the Lundin family wanted an angler access for the trail.
- Negotiations had been going on for two years.
- A trail was always part of the proposal.
- The Council wanted a trail and had spent a lot of money trying to get it.
- The Lundins had a deadline which did not allow for any changes.
- Needed direction from the Council.

Council Member Orme made the following comments:

- The City was not buying the Lundin's property. It was buying a conservation easement.
- Farmers did not want a fence in the middle of their field.
- Keeping a field open was a significant benefit for the farmer.
- Fences had problems.

Mayor Simons made the following comments:

- An informal discussion was held after a conference call with the various parties. The Lundins agreed to a crash gate and V-stile, squeeze-gate, angled pedestrian access gate for the trail. They also agreed to a gate to close off the trail to allow them to move their livestock. Wasatch County and Utah Open Lands also agreed to the gates.
- The Lundins were concerned with vehicles, e-bikes, and horses on the trail. The location was not an issue.
- The City would install, own, and maintain the fence.

Council Member Simonsen made the following comments:

- The public and livestock should be separated.
- Angler access was previously discussed.
- Wanted the Lundins to keep farming.
- A mountain trail was acceptable.
- "S" curve gate access was acceptable.
- A crash gate was only for emergency access.

Council Member Payne made the following comments:

- A trail running along where the field ended and the slope began made sense.
- Passing under or over the trail could be used to move livestock.

The Council agreed to move forward with refining the documents and preserving the property as open space.

8. **Tentative FY 2027 Budget / Public Hearing** (Nancy Simons, Budget Officer – Approximately10 minutes) – Receive public comment on and discuss the adopted tentative FY 2027 Budget for Midway City. **Public Hearing -** Public comment must be related to this item on the agenda.

Nancy Simons indicated that a public hearing was needed on the approved tentative budget.

**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.

Ms. Simons reported that the financial summary for April was posted on the City's website. She also indicated that she was working on the final budget amendment for FY 2026.

Council Member Simonsen asked that staff review the cash balances for the City's finances.

9. **Storyboard / Sign** (Michael Henke, Planning Director – Approximately 10 minutes) – Discuss and possibly determine that a sign at Storyboard, located at 201 East Main Street, is historical and may continue to be used.

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

- Code regarding non-conforming signs
- New design

Mr. Henke said the Council needed to decide if the sign should be grandfathered.

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

Galen DeKemper and Claire Carusillo, applicants, reviewed examples of the sign and made the following comments:

- Would hire a sign painter to do the sign.
- The sign would have a vintage look and feel.
- The sign had been lit from above in the past.

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

- The sign did not need to be exactly as presented, and the painter should be allowed some artistic license.
- The Municipal Code required depth in a sign. The painter should replicate depth.
- Shields on the lights would help preserve the dark sky. A warmer light could also be used.
- A final design should be brought back to the Council.
- The height of the sign should also be approved.

**Motion:** Council Member Garland moved to grant the grandfathering exception for the sign, approve the installation of the sign which would have depth to it, and the lighting on top be dark sky compliant.

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

**Discussion:** None

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

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|---|---|
| Council Member Garland | Aye |
| Council Member Orme | Aye |
| Council Member Osborne | Aye |
| Council Member Payne | Aye |
| Council Member Simonsen | Aye |

Mayor Simons indicated that the painter could start work that weekend.

10. **Resolution 2026-15 / Sunburst Ranch PUD Master Plan Amendment** (Michael Henke, Planning Director – Approximately 30 minutes) – Discuss and possibly approve Resolution 2026-15 adopting a master plan amendment for the Sunburst Ranch PUD located at 1232 West Swiss Alpine Road (Zoning is R-1-22 and RA-1-43). **Public Hearing -** Public comment must be related to this item on the agenda.

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

- Land use summary
- Location of the development
- 2010 Master Plan
- Proposed development plan
- Emergency route to Lundin's property
- Trail plan
- Landscaping
- Construction standards
- Amenities
- Previously proposed amendment
- Slope map
- Discussion items
- Drainage from Swiss Mountain Estates
- Sunburst Ranch/HOA letter
- Possible findings
- Proposed conditions
- Retaining walls
- Connectivity from Swiss Alpine Road to the Lundin property

Mr. Henke also made the following comments:

- No engineered drawings were prepared.
- The amenities were changed.
- The developer met with the Sunburst Ranch HOA.
- The HOA wanted amenities that were less maintenance. They also wanted the entryway monuments to be the same as those in the other phases.
- The developer would build a trail to the previous phases.
- The developer wanted to limit the project's impact on the natural landscape.
- Water rights were provided during the annexation.
- The developer would maintain the same architectural standards as the other phases.
- There would be height limits on some units.
- Council approval was discretionary.
- The Council could adopt the letter between the developer and the HOA as part of its approval.
- Reviewed a new memorandum of understanding between the developer and the HOA.
- The development would not come back to the Council for preliminary or final approval unless that was specifically requested.
- A portion of the property was already irrigated.
- Access would line up with the trail on the Lundin property.

- The project would have the same setbacks.
- Most of the open space for Sunburst Ranch was in Phase Three.
- Setbacks were staggard.
- The area outside of the building pads would be maintained by the HOA.
- Any request outside of the Municipal Code needed to be made at that point.
- The project only needed eight and a half acres of open space instead of the 15 required by the current standards.
- Flexibility in the design was allowed for storm drain basins, etc.

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

Council Member Osborne made the following comments:

- The development needed actual landscaping.
- Did not want the developer to cut corners and not plant any trees.
- There was a difference between open space and openness.
- The agreement with the HOA only required native grasses in the open area. The area should have trees.

Wes Johnson made the following comments:

- Should there be a shed at the community garden to store tools, etc.?
- The project had 15% to 20% slopes. Natural trails along these slopes and behind the houses would create erosion. This needed to be addressed.
- The project would need significant retaining walls which should be engineered and included in the plans.
- The developer would bond for landscaping and meet industry standards. The applicant wanted a higher standard.

Dan Reeve, applicant, gave a presentation regarding Toll Brothers who would build the project, and made the following comments:

- Approved versus proposed plans
- All the houses would be detached.
- Would preserve as much of the natural landscape as possible. The landscaping would be addressed further with later approvals.
- The HOA requested low impact and low maintenance amenities.
- The new memorandum of understanding said the developer would provide the draft irrigation plan to the HOA for its review.
- New trees would be planted around the houses.
- There would be retaining walls between houses and behind the uphill houses.
- The items in the agreement with the HOA would be included in the preliminary and final approvals.
- Litigation allowed Phase Three to have a separate HOA. The developer and current HOA had agreed to one HOA for the entire development.

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

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

- Should all the roads have public easements?
- There was a history of drainage problems from Swiss Mountain Estates. The property proposed for development once had a detention basin for the drainage.
- An existing catch basin at the entrance to Swiss Mountain Estates needed to be cleaned regularly.
- The City should not be involved in a private agreement between the developer and the HOA. The City should not enforce the agreement. The City could simply document the agreement. The agreement could be part of the HOA's bylaws. Amending bylaws was difficult.
- Some developers did not install the landscaping that was shown to the City.
- Construction traffic and road damage should not be the City's responsibility.
- Nothing in the proposal was contrary to the litigated settlement.

**Public Hearing**

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

Becky Yih

Ms. Yih made the following comments:

- Even native landscaping would need some irrigation.
- The livestock on the Lundin property was usually in the field below the fire road.

Randy Lundin

Mr. Lundin made the following comments:

- The land proposed for Phase Three had been irrigated.
- The Midway Irrigation Company did not allow irrigating above the Probst Ditch.

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

**Motion:** Council Member Simonsen moved to direct staff to create a resolution adopting the amendment with the following conditions:

- Staff attempt to accommodate by working with the developer all the points that had been brought up by Council
- The terms between the developer and the HOA be included.
- The resolution be brought back to the Council for consideration.

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

**Discussion:** None

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

| | |
|---|---|
| Council Member Garland | Aye |
| Council Member Orme | Aye |
| Council Member Osborne | Aye |
| Council Member Payne | Aye |
| Council Member Simonsen | Aye |

**Motion:** Without objection, Mayor Simons recessed the meeting at 8:20 p.m. He reconvened the meeting at 8:29 p.m.

11. **High Valley Arts / Temporary Use Permit** (Michael Henke, City Planner – Approximately 15 minutes) Discuss and possibly grant a temporary use permit, and waive the application fee, for High Valley Arts to exceed the allowed sound levels for a musical production at 200 South and 400 East.

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

- Summary
- Noise limits

Mr. Henke also made the following comments:

- No neighbors had complained about the productions.
- A resident provided a letter of support noting that periodic productions were better than the property being developed.
- Recommended approval of the request.
- Construction at the intersection of Main Street and 400 West would impact the production.

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

**Motion:** Council Member Garland moved to approve the special events temporary use permit for noise for High Valley Arts Foundation without waiving the application fee.

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

**Discussion:** None

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

| | |
|---|---|
| Council Member Garland | Aye |
| Council Member Orme | Aye |
| Council Member Osborne | Aye |
| Council Member Payne | Aye |
| Council Member Simonsen | Aye |

12. **Resolution 2026-12 / Use of AI** (Corbin Gordon, Attorney – Approximately 10 minutes) – Discuss and possibly approve Resolution 2026-12 amending the Midway City Policies and Procedures regarding the use of artificial intelligence (AI) by Midway City.

Corbin Gordon reviewed the proposed resolution. Brad Wilson indicated that the reference to an exhibit needed to be removed.

**Motion:** Council Member Garland moved to adopt Resolution 2026-12 approving policies governing the use of artificial intelligence for municipal operations and acknowledge that there was no exhibit to be attached and that language should be removed.

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

**Discussion:** None

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

| | |
|---|---|
| Council Member Garland | Aye |
| Council Member Orme | Aye |
| Council Member Osborne | Aye |
| Council Member Payne | Aye |
| Council Member Simonsen | Aye |

13. **City Council Minutes / February 17, 2026 Regular Meeting** (Brad Wilson, Recorder – Approximately 5 minutes) – Discuss and possibly approve the minutes for the February 17, 2026 city council regular meeting which were prepared with the assistance of AI.

**Motion:** Council Member Garland moved to approve the minutes of the February 17, 2026 meeting as presented.

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

**Discussion:** None

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

| | |
|---|---|
| Council Member Garland | Aye |
| Council Member Orme | Abstained * |
| Council Member Osborne | Aye |
| Council Member Payne | Aye |
| Council Member Simonsen | Aye |

* Council Member Orme abstained because she was excused from the February 17, 2026 meeting.

**14. Audio Visual Systems / Award Contract** (Brad Wilson, City Recorder – Approximately 15 minutes) – Discuss and possibly award a contract for the installation and maintenance of audiovisual systems in the Midway City Office Building and Midway Community Center.

Brad Wilson indicated that some questions with the proposals still needed to be answered. He asked that the item be continued.

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

**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 | Aye |
| Council Member Osborne | Aye |
| Council Member Payne | Aye |
| Council Member Simonsen | Aye |

**15. Network / Award Contract** (Brad Wilson, City Recorder – Approximately 15 minutes) – Discuss and possibly award a contract for the build out and refresh of Midway City's computer network cabling and Wi-Fi.

Brad Wilson indicated that information for the item was not made available until that afternoon. He apologized for the delay. Council Member Simonsen requested more time to review the proposals.

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

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

**Discussion:** None

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

| | |
|---|---|
| Council Member Garland | Aye |
| Council Member Orme | Aye |
| Council Member Osborne | Aye |
| Council Member Payne | Aye |
| Council Member Simonsen | Aye |

**16. Adjournment**

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

The meeting was adjourned at 8:38 p.m.

Craig Simons, Mayor

Brad Wilson, Recorder