

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

**Tuesday, 20 August 2024, 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 City Council, City Engineer, City Attorney, Planning Director, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

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

Mayor Johnson called the meeting to order at 6:03 p.m. She excused Council Member Payne.

**Members Present:**

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

**Staff Present:**

Corbin Gordon, Attorney (Participated electronically)  
Ivette Murano, Human Resources Manager  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Katie Villani, Planner (Arrived at 6:14 p.m.)  
Brad Wilson, Recorder

**Members Excused:**

Kevin Payne, Council Member

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

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

**2. Consent Agenda**

- a. Agenda for the 20 August 2024 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 6 August 2024 City Council Work Meeting
- d. Minutes of the 6 August 2024 City Council Regular Meeting
- e. Minutes of the 6 August 2024 City Council Closed Meeting
- f. Resolution 2024-19 adopting a new human resources policies and procedures handbook for Midway City.
- g. Reappoint Andy Garland as a full member of the Midway City Planning Commission.

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

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

**Second:** Council Member Simons 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	Excused from the Meeting
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. No comments were offered.

**4. Department Reports**

Parks, Trails, and Trees Committee / North Center Street Trail / E-Vehicles / Trail Markers

Council Member Simonsen reported that Liz Griffiths attended the Midway City Parks, Trails, and Trees Advisory Committee and expressed her concerns regarding the planned trail along the north section of Center Street.

Council Member Simonsen reported that the Committee was also considering regulations on e-vehicles and black colored trail markers.

Burgi Hill Park

Council Member Simonsen reported on work at Burgi Hill Park.

Trails / Preston Broadhead / Signs

Council Member Simonsen complimented the work of Preston Broadhead, Public Works Technician, who maintained the City’s trails. He added that because of residents’ concerns, more signs such as stop signs might be added to the trails.

Streets / Striping and Surface Treatments / Data Collection / Speed Bumps

Wes Johnson reported that the street striping and surface treatment projects would not overlap.

Council Member Simonsen reported that data collection using traffic tubes had begun. He noted that the tube locations would be consistent from year to year, with some exceptions, to provide consistent data. Mr. Johnson added that they were also in locations of speeding complaints.

**Note:** A map showing the data collection locations is contained in the supplemental file.

Council Member Simonsen reported that several temporary speed bumps had been installed for testing. He added that they were on low traffic roads.

**Note:** Katie Villani arrived at 6:14 p.m.

#### River Road / Repair

Council Member Simonsen stressed that the areas of River Road that were failing needed to be repaired that year. Wes Johnson responded that the developer, who was responsible for the repairs, committed to do the work that year. Mr. Johnson also indicated that he spoke with a replacement contractor in case the City had to do the work.

#### Historic Preservation Committee / Oral Histories / Markers

Council Member Simons reported that the Midway Historic Preservation Committee was still working on oral histories and markers for historic buildings.

#### Cemetery / Bathrooms

Mayor Johnson reported that the bathrooms at the City's cemetery were still being renovated.

### **5. Potential Grants / Presentation** (Nancy O'Toole – Approximately 10 minutes) – Receive and discuss a presentation on potential grants.

Nancy O'Toole gave a presentation regarding grants and reviewed the following items:

- Rural Community Grant
- Outdoor Recreation Initiative

Ms. O'Toole also made the following comments:

- The Grant could be used for ice rink repairs and improvements.
- It had a 20% match.
- A letter of intent was required that week.
- The Initiative did not require a match.
- It was for a significant amount of money.

- The money could be used for the open space donated by Kem Gardner or other projects.
- She would apply for the money the following year.

**Note:** A copy of Ms. O’Toole’s presentation is contained in the supplemental file.

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

- Ms. O’Toole should apply for the Rural Community Grant on behalf of the City.
- Money from the initiative could be used to improve the easement that the City received at Ameyalli.

**6. Homestead Resort, Phases 1 & 2 / Final Approval** (Berg Engineering – Approximately 45 minutes) – Discuss and possibly deny, continue or grant final approval for Phases 1 and 2 of the Homestead Resort located at 700 North Homestead Drive (Zoning is RZ).  
Recommended for approval with conditions by the Midway City Planning Commission.

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

- Land use summary
- Location of the project
- Open space
- Core area
- Site plan from 2021
- Current site plan
- Public trail
- Phasing
- Site plan numbers
- Construction phasing
- Plan for Homestead Drive
- UDOT approval
- Wedding barn/event center
- Condominium buildings
- South boundary landscaping
- Lighting
- North boundary landscaping
- Detailed landscaping plan
- Proposed plat maps
- Discussion items
- Water board recommendation
- Detail of the water calculations
- Possible findings
- Proposed conditions

Mr. Henke also made the following comments:

- The approval was for both phases which included the entire project.

- Both phases would be recorded at the same time.
- The project included the fee simple land.
- The approved master plan allowed flexibility and for changes to be requested in the future.
- The Links HOA supported the plan for the south boundary landscaping.
- The neighbors approved of the planned north boundary landscaping.
- The boundary fences and as much landscaping as possible would be installed that year.
- The proposal met the code requirements for tree replacement.
- The developer had enough actual water rights for the project and did not have to lease any rights.
- Any approval should be conditioned on the approval of the related resolutions.
- The condominium units could be separately owned. There was a limit on the number of units that could be full-time residences.

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

Paul Berg, Berg Engineering Resource Group and representing the applicants, indicated that the route of the Slough Ditch will be finalized with the golf course architect.

Ben Shakespeare, applicant, made the following comments:

- Some mature trees would still be removed.
- Many of them were on the golf course.
- Many were cottonwoods.
- Some of them were diseased and rotted.
- Liked trees but wanted them in the right places.
- Wanted the entrance to the resort to look good.
- The limitation on full-time residences would also be in the CC&Rs.
- The lower pools were open.
- The tennis courts would be converted to pickleball courts with storage underneath.
- There was an agreement with Marriott that had a two-year deadline for construction.
- The pillow count would be 1,360.
- The additional rooms would help the City continue to collect the Resort Tax and increase property tax revenue.
- The proposal aligned with the tourism section of the Midway City General Plan.
- The north boundary landscaping would be completed somewhat later in the construction process.
- Signed an agreement with The Links HOA.
- Most of the removed trees were in the area planned for the trail, new entrance, or were diseased. They would be replaced with better types of trees.
- It was his decision to raze the cabin which had partially rotted. Did not understand at the time the regulations related to historic preservation. A replica would be constructed.
- Submitted a building permit application for the wedding barn and event building.
- Weddings were scheduled for the following year.
- Had also received noise complaints. Had trained the staff and talked to the contractors working on the project to correct the issue. Had also hired a new general manager. The indoor event building would help reduce the noise.

Lauren Bolger, Hoffman Law and representing the applicants, made the following comments:

- There would be a master owners' association for the entire project.
- There would be two sub associations. One for the resort and one for the seven detached units.

**7. Resolution 2024-21 / Homestead Resort, Phases 1 and 2 Conditions of Approval** (City Attorney – Approximately 20 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-21 documenting the conditions of approval for Phases 1 and 2 of the Homestead Resort located at 700 North Homestead Drive (Zoning is RZ).

Corbin Gordon made the following comments:

- State law changed and a development agreement could not be required for the project.
- The resolution was proposed instead.
- Everything that had been discussed was in the resolution including the conditions of approval, water rights, and the trail along Homestead Drive.
- A UDOT permit still needed to be obtained.
- Had not reviewed the CC&Rs.

Lauren Bolger noted that Item #11 under Conditions of Approval should reference and restrict vertical construction of the buildings on the condominium plat map.

Paul Berg made the following comments:

- A plat map for the resort and a plat map for the condominiums would be recorded.
- A UDOT application had already been submitted and reviewed. Some minor comments needed to be addressed.

Mr. Gordon recommended that the resolution be approved with the requested changes.

Council Member Simons asked about finishing the trail along Homestead Drive. He noted that several deadlines over several years had passed. Ben Shakespeare responded that it was being constructed and he was committed to it being finished. Wes Johnson explained the construction standards that related to the trail.

**8. Resolution 2024-22 / Homestead Resort Historic Structure** (City Attorney – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-22 adopting a memorandum of understanding regarding the reconstruction of a historic building at the Homestead Resort located at 700 North Homestead Drive (Zoning is RZ).

Corbin Gordon made the following comments regarding the proposed memorandum of understanding:

- Received it that afternoon.
- Needed to review it with the City Planner.

**Motion:** Council Member Drury moved to grant final approval for the Homestead Resort, Phases 1 and 2, located at 700 North Homestead Drive (Zoning was RZ), with the following findings and conditions:

- The proposal would benefit the City financially by creating a greater tax base.
- The proposal would help the City better comply with State requirements regarding the ability to collect the resort tax.
- The public trail system in the development would benefit the entire community by completing the public trail along Homestead Drive.
- Amenities would be created that would be accessible year-round, which would invite more tourists to visit the resort in all seasons.
- The proposal would increase traffic to the surrounding community.
- The public trail that paralleled Homestead Drive would be built by November 30, 2024.
- A light mitigation plan would be submitted to the City, and agreeable to the City, that would mitigate the potential impact to the surrounding residents.
- All existing lighting and planned lighting in the resort would comply with current Midway requirements. Existing nonconforming lighting in each phase would be brought into compliance within a year of recording the plat map where the lighting was located.
- Landscaping would be installed along the southern and northern boundaries of The Homestead the first summer season of construction to help mitigate nuisance issues related to construction activities.
- With respect to Open Space Parcels 1-7 of previously designated open space per the current master plan agreement that was located outside of the resort core, a conservation easement would be placed on it to permanently restrict it from future development. The conservation easement would be held by an accredited land trust.
- All required parking for each building and use would be completed before the certificate of occupancy was issued for each building in both phases.
- A UDOT approval document would be submitted to the City for the new access location on State Route 222 and for all other improvements to the road.
- This approval was subject to the approval of Resolution 2024-21 (Homestead Resort, Phase 1 and 2 Conditions of Approval) and Resolution 2024-22 (Homestead Resort Historic Structure).

**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	Excused from the Meeting
Council Member Simons	Recused
Council Member Simonsen	Aye

Council Member Simonsen indicated that the phasing was unclear. He asked Mr. Henke to review the phases and ensure clarity.

**Motion:** Council Member Drury moved to approve Resolution 2024-21 / Homestead Resort,

Phases 1 and 2, Conditions of Approval as written with the following exceptions:

- Condition of approval #9 would be adjusted to accommodate bonding before November 30<sup>th</sup> and the soonest possible completion date of the trail that conformed to the construction standards at the City Engineer's discretion.
- Condition of approval #11 would state that vertical construction of the condominium units could not commence until the southern boarder wall was installed and completed. The northern boundary fence would be bonded for prior to plat map recordation and installed by 21 June 2025.
- Authorized the City Attorney to make these changes.
- Authorized the Mayor to sign the resolution as adjusted.

**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	Excused from the Meeting
Council Member Simons	Recused
Council Member Simonsen	Aye

**Motion:** Council Member Orme moved to continue consideration of Resolution 2024-22 until the next council meeting.

**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	Excused from the Meeting
Council Member Simons	Recused
Council Member Simonsen	Aye

Council Member Simons noted that the project was not easy but thanked Mr. Shakespeare, his workers, and the City's staff for their work. He noted that the new pool area at the project was beautiful.

**Motion:** Without objection, Mayor Johnson recessed the meeting at 7:50 p.m. She reconvened the meeting at 7:59 p.m.

## **9. Resolution 2024-13 / Additional Law Enforcement** (City Attorney – Approximately 20



minutes) – Discuss and possibly deny, continue, or approve Resolution 2024-13 adopting a memorandum of understanding between Midway City and the Heber City Police Department for additional law enforcement.

Corbin Gordan made the following comments regarding the memorandum of understanding:

- It was a simpler approach than in past agreements.
- The Heber City Police Chief did not want something more formal.
- A member of the Heber City Council called to discuss the memorandum.
- It contained all the provisions discussed.
- Revisions could be addressed.
- The annual percentage increase had not been determined.
- Was comfortable with the memorandum.
- Any changes would need to be discussed with Heber City's attorney.

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

- The annual increase should be based on what Heber City approved for the Police Department.
- Midway City should see Heber City's budget before it was approved.
- Was the 20% for administration accurate? This was the most significant remaining issue.
- Midway City should pay the same amount as Heber City for law enforcement equipment, etc.
- Heber City did not want to subsidize law enforcement provided to Midway City.
- Why was a cost-of-living adjustment (COLA) included in the agreement?
- Some costs like patches and badges would not be annual. Midway City could get a lower cost if it purchased these items itself.
- The Police Chief said that he would bill Midway City the actual cost for equipment, etc.
- A one-year termination clause was problematic. This was requested because the Police Department would have to hire and equip additional officers.
- The commitment should be for one year on a trial basis. Both parties should have the ability to terminate the arrangement.
- Any arrangement should correspond with the fiscal year.

**Motion:** Council Member Simonsen made the following motion:

- The City Attorney would take the Council's feedback and modify the MOU.
- The City Attorney would then present the modifications to Heber City to see if they would accept them or if the memorandum needed to come back to the Midway City Council.
- It was intended that Midway City pay the actual costs rather than estimates.
- There would be an option to review the administrative costs and possibly make modifications.
- There would not be a provision regarding a COLA.
- There would not be a one-year termination requirement.
- The arrangement would be for a one-year trial period.
- It would correspond to the end of the City's fiscal year.
- Notice of termination would have to be given 60 days prior to June 30<sup>th</sup>.

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

**10. North Center Street Trail / Update** (Council Member Simonsen and City Engineer – Approximately 30 minutes) – Receive an update on a planned trail along Center Street from Main Street to Burgi Lane.

Council Member Simonsen gave a presentation regarding the planned trail, along the north section of Center Street, and reviewed the following items:

- Overall goals
- Early review
- Preliminary design suggestions
- Which side of the road would be used.
- Public feedback
- Review process
- Main concerns
- Timing

Council Member Simonsen also made the following comments:

- Trees, mailboxes, etc. should not be disturbed if possible.
- Tree roots could still be hit during the project.
- Both a trail and bike lane were not possible because of the available width.

**Note:** A copy of Council Member Simonsen’s presentation is contained in the supplemental file.

**11. 2024 Road Surface Treatments / Contract** (City Engineer – Approximately 5 minutes) – Discuss and possibly deny, continue, or award a contract for the 2024 Road Surface Treatments Project.

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

- Map
- Schedule

Mr. Johnson also made the following comments:

- The bids for the project had been opened.
- Work for Charleston and Daniel towns was included. They would pay for their own mobilization.

- Recommended that the contract be awarded to the low bidder who was M&M Asphalt in the amount of \$310,005.75.
- Some locations would have difficult traffic control.
- Had worked with them before and was comfortable with their work.

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

**Motion:** Council Member Simonsen moved to award the 2024 Road and Surface Treatments Projects contract to M&M Asphalt in the amount of \$310,005.75 and authorized the Mayor to sign the related documents.

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

**Discussion:** None

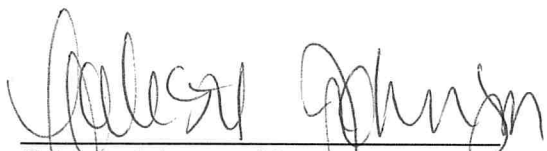
**Vote:** The motion was approved with the Council voting as follows:

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

## 12. Adjournment

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

The meeting was adjourned at 9:05 p.m.

  
 Celeste Johnson, Mayor

  
 Brad Wilson, Recorder