

Midway City Council  
5 December 2023  
Regular Meeting

Warrants

Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>270</b>								
270	CASELLE INC	128257 11/23	Contract Support and Mainetenca	11/01/2023	425.27	425.27	11/21/2023	
Total 270:					425.27	425.27		
<b>505</b>								
505	HEBER CITY CORPORATION	112223	October Animal Control	11/21/2023	6,429.34	.00		
Total 505:					6,429.34	.00		
<b>560</b>								
560	HOLLAND EQUIPMENT COMPA	27483	Snow Pusher Rubber, Pusher Met	11/15/2023	1,403.62	.00		
Total 560:					1,403.62	.00		
<b>845</b>								
845	MOUNTAINLAND SUPPLY COMP	S105805697.0	12" Fire Hydrant Extention Kit	11/20/2023	1,105.13	.00		
Total 845:					1,105.13	.00		
<b>875</b>								
875	ODP BUSINESS SOLUTIONS LL	342309283001	PAPER	11/15/2023	5.77	.00		
875	ODP BUSINESS SOLUTIONS LL	342309283001	Binders	11/15/2023	9.58	.00		
875	ODP BUSINESS SOLUTIONS LL	342310803001	Cables	11/15/2023	31.98	.00		
875	ODP BUSINESS SOLUTIONS LL	342310804001	Velcro Cable Straps	11/15/2023	6.99	.00		
875	ODP BUSINESS SOLUTIONS LL	342565134001	Tape	11/17/2023	37.10	.00		
875	ODP BUSINESS SOLUTIONS LL	342565134001	Tabs	11/17/2023	3.47	.00		
875	ODP BUSINESS SOLUTIONS LL	342565134001	Binder	11/17/2023	1.46	.00		
Total 875:					96.35	.00		
<b>1045</b>								
1045	STANDARD PLUMBING SUPPLY	UWHV38	Streets-Black Markers	11/14/2023	13.10	.00		
1045	STANDARD PLUMBING SUPPLY	UWNW41	Car wipers, car freshener, invisibl	11/16/2023	23.26	.00		
1045	STANDARD PLUMBING SUPPLY	UWYM66	10oz Can Air	11/20/2023	10.99	.00		
1045	STANDARD PLUMBING SUPPLY	UXDV62	Hooks Kit-Salt Scoop	11/22/2023	46.77	.00		
Total 1045:					94.12	.00		
<b>1170</b>								
1170	TIMBERLINE ACE HARDWARE	168932	Gas Hedge Trimmer	11/14/2023	335.98	.00		
Total 1170:					335.98	.00		
<b>1310</b>								
1310	WASATCH AUTO PARTS	287081	Shop & Winter Diesel Additive	11/20/2023	183.86	.00		
Total 1310:					183.86	.00		
<b>1375</b>								
1375	WHEELER MACHINERY CO	MS000004473	CAT Snow Pusher	11/22/2023	7,095.00	.00		
1375	WHEELER MACHINERY CO	PS001606419	Cutting Edge-Skid Loader & Scre	11/16/2023	382.52	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 1375:					7,477.52	.00		
<b>2164</b>								
2164	POINT S	0231068	Eric's Truck Tires	11/16/2023	725.98	.00		
2164	POINT S	0231461	Tex Truck Tires	11/27/2023	1,303.21	.00		
2164	POINT S	0231468	Tires for Korbens Truck	11/22/2023	1,479.96	.00		
Total 2164:					3,509.15	.00		
<b>2244</b>								
2244	PEAK ALARM CO, INC	1347251	Shop Alarm	12/01/2023	174.24	.00		
2244	PEAK ALARM CO, INC	1347252	Contract Services-Gift Shop	12/01/2023	174.24	.00		
Total 2244:					348.48	.00		
<b>2269</b>								
2269	REDMOND MINERALS INC.	396046	SALT Purchase	11/14/2023	736.00	.00		
2269	REDMOND MINERALS INC.	396819	ROAD SALT	11/21/2023	1,431.50	.00		
Total 2269:					2,167.50	.00		
<b>2418</b>								
2418	FINAL COMPLETION DEPOSIT	21-159 FCD	21-159 FINAL COMPLETION DE	11/15/2023	3,000.00	.00		
2418	FINAL COMPLETION DEPOSIT	22-162 FCD	22-162 FINAL COMPLETION DE	11/15/2023	3,000.00	.00		
Total 2418:					6,000.00	.00		
<b>2485</b>								
2485	KARL MALONE CHRYSLER DO	87148	Cory's Truck	11/13/2023	658.95	.00		
2485	KARL MALONE CHRYSLER DO	87219	Cory's Truck	11/20/2023	76.90	.00		
Total 2485:					735.85	.00		
<b>2520</b>								
2520	Staker Parson Companies	6245770	Sand	11/13/2023	64.72	.00		
Total 2520:					64.72	.00		
<b>2658</b>								
2658	SIGNARAMA	INV-15553	Tree Sponsor Signs with black po	11/03/2023	1,138.55	.00		
2658	SIGNARAMA	INV-15574	Mini Decals for Candlesticks	11/07/2023	110.20	.00		
Total 2658:					1,248.75	.00		
<b>2700</b>								
2700	Car Quest Auto Parts	15341-171827	F-250 Oil Filter	11/21/2023	7.90	.00		
Total 2700:					7.90	.00		
<b>2733</b>								
2733	WASATCH TIMBER PRODUCTS	11222023	FIREWOOD	11/22/2023	60.00	.00		
Total 2733:					60.00	.00		
<b>2744</b>								
2744	SPRUCE DECOR	112223	Adding Lights to Building	11/22/2023	100.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 2744:					100.00	.00		
<b>2757</b>								
2757	BORDER STATES INDUSTRIES I	927367204	Town Hall Wiring	11/13/2023	287.59	.00		
Total 2757:					287.59	.00		
<b>2880</b>								
2880	Bell Janitorial Supply	1044443A	Nitrile Gloves	11/16/2023	77.25	.00		
Total 2880:					77.25	.00		
<b>2891</b>								
2891	RUBY JENSEN GALLERY	110	Retail Items for Midway Must Hav	11/20/2023	208.00	.00		
Total 2891:					208.00	.00		
<b>2901</b>								
2901	MARY WATERMAN PHOTOGRA	62	Retail Merchandise	11/21/2023	130.00	.00		
Total 2901:					130.00	.00		
<b>2965</b>								
2965	WELLS FARGO TRADE CAPITAL	401932	Retail Items for Midway Must Hav	11/09/2023	2,059.92	.00		
Total 2965:					2,059.92	.00		
<b>2993</b>								
2993	Mountainland Power Equipment	113591	2 BOSS Snowplows	11/22/2023	20,900.00	.00		
Total 2993:					20,900.00	.00		
<b>3075</b>								
3075	EdMole Inspection	273	Building Inspections	11/16/2023	450.00	.00		
Total 3075:					450.00	.00		
<b>3118</b>								
3118	Play and Park Structures	PJI-0067037	Hamlet Park-Partial Payment	11/03/2023	112,865.00	.00		
3118	Play and Park Structures	PJI-0067312	Alpenhof Park-Partial Payment	11/14/2023	75,667.59	.00		
Total 3118:					188,532.59	.00		
<b>3122</b>								
3122	Kringles	112223	Adding Lights to Building	11/22/2023	100.00	.00		
Total 3122:					100.00	.00		
Grand Totals:					244,538.89	425.27		

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

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City Recorder: \_\_\_\_\_

City Treasurer: \_\_\_\_\_

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Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

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Midway City Council  
5 December 2023  
Regular Meeting

Minutes of the  
7 November 2023  
Work Meeting



# Memo

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**Date:** 16 November 2023  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder  
**RE:** Minutes of the 7 November 2023 City Council Work 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  
(Work Meeting)**

**Tuesday, 7 November 2023, 5:00 p.m.  
Midway Community Center, Council Chambers  
160 West Main Street, Midway, Utah**

**Note:** Notices/agendas were posted at 7-Eleven, Ridley’s 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**

Mayor Johnson called the meeting to order at 5:00 p.m.

**Members Present:**

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

Technician  
Corbin Gordon, Attorney  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Katie Villani, Planner  
Brad Wilson, Recorder

**Staff Present:**

Preston Broadhead, Public Works

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

**2. Burgi Hill Park / Landscaping Plan** (Parks, Trails, and Trees Committee – Approximately 20 minutes) – Receive and discuss a landscaping plan, from the Midway City Parks, Trails, and Trees Advisory Committee, for the southeast corner of Burgi Hill Park.

Katie Villani updated the Council on improvements to the City’s parks. She indicated that improvements to Centennial Park would be completed that year, while improvements to Alpenhof Park and Hamlet Park would be completed the following year.

Carl Berg, Berg Landscaping, gave a presentation regarding a landscaping plan for the southeast corner of Burgi Hill Park. He made the following comments regarding the plan:

- There would be a small berm, which would prevent parking along Interlaken Drive. It

would be a couple of feet high.

- Water backing up because of a culvert would be addressed.
- The area along Burgi Lane would have sage brush and other natural vegetation. There would be a milkweed garden for monarch butterflies. This would be the primary landscaping for that area.
- The landscaping around the park sign would be improved.
- Temporary irrigation was needed to establish the proposed landscaping.
- The Parks, Trails, and Trees Committee wanted open views without large trees.
- The fence along Interlaken Drive would be replaced after the landscaping was installed.
- Dirt had been brought in from Alpenhof Park.
- Sagebrush would grow on the berm.

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

Mayor Johnson made the following comments:

- Funding was available for pollinating gardens.
- The south section of the park had a lot of potrock and was not good for vegetation.
- The City did not have much additional water for the park.

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

- Replacing the tennis court in the park was \$400,000.
- The southeast corner of the park was just supposed to be a split rail fence without additional landscaping.
- Paying for the fence and a landscaping design for the corner had been approved by the Council.
- The proposed plan was good and would blend traditional park landscaping with natural landscaping as it moved south.
- The plan was decent.
- There could be Karl Foerster grass in the park. This type of grass might die with a drip system.
- The City should not try to change the south part of the park.
- Could some of the water diverted from the irrigation ditch be used in the park?
- The money should be used on a trail along the north section of Center Street instead of the parks. No progress had been made on the trail. That section of road was dangerous for pedestrians. Residents had been complaining about safety on the road for years.
- Money paid to the Wasatch County Sheriff's Department, for traffic enforcement, was a waste.
- Traffic signs had not reduced speeding.
- A trail was being built along 200 North which was recommended by the Parks, Trails, and Trees Advisory Committee. Money was available for the trail from the Utah Department of Transportation (UDOT). The project was delayed because all the necessary materials were not available during the pandemic.
- Pine Canyon was also a road where children lived and needed a trail.
- All projects needed to be considered with the budget in mind.
- Center Street could not be closed, to build a trail, while River Road was under construction.

- An approximate cost was needed for the proposed landscaping.
- Several years had been spent focusing on the construction of trails.
- The Committee focused first on closing gaps in existing trails.
- The work in the parks was not at the expense of trails.
- Not a lot of money should be spent on the landscaping.
- It would only take a few hours to estimate the landscaping cost.
- The landscaping should not be done just because a cost was determined.
- The City had to deal with 50 years of growth in 10 years. Wished it had more time to deal with the growth.
- The City's budget had increased without having to raise taxes.

The Council agreed that a cost should be estimated for the landscaping.

**3. Code Text Amendments** (City Planner – Approximately 40 minutes) – Discuss possible code text amendments based on the recent revisions to the Midway City General Plan and changes to the Utah State Code.

Michael Henke gave a presentation regarding possible code text amendments and reviewed the following items:

- Housing and mobility study
- Amendments based on the recently updated General Plan
- Expanding the City's annexation area
- Current land use map
- Reasons for expanding the annexation area
- Heber City annexation map

Mr. Henke also made the following comments:

- The housing and mobility study included traffic calming. It would be completed in the spring of 2024.
- The State Code discouraged overlapping of municipal annexation areas.
- An owner could choose which municipality to be in if their property was in multiple annexation areas.
- How far should the City expand to the east? It should at least expand to 1750 West.

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

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

- Affordable housing was a priority for the Council.
- Residents opposed annexations because they thought that they encouraged growth. Actually, they helped a municipality control growth.
- When would the City address the changes required by State Senate Bill 174? The deadline to make the changes was December 2024. This deadline was still difficult. The State Legislature was considering more related restrictions. Should the City wait until after the next legislative session? Should the City first use its energy on fighting the

additional restrictions? The deadline for Wasatch County and Heber City to make the changes was February 2024. Should the City wait to see how those governments implement the changes? The City should be over prepared and allow itself time to make adjustments if needed.

- The City should consider a performance based land use code.
- It would be expensive to provide utilities and services across the Provo River.
- Expanding the annexation area should at least be studied.
- The code for commercial zones needed to be revised.

#### 4. Adjournment

The meeting was adjourned at 6:13 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

DRAFT

Midway City Council  
5 December 2023  
Regular Meeting

Minutes of the  
7 November 2023  
Regular Meeting



# Memo

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**Date:** 27 November 2023  
**To:**  
**Cc:**  
**From:** Brad Wilson, City Recorder  
**RE:** Minutes of the 7 November 2023 City Council Regular 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, 7 November 2023, 6:00 p.m.  
Midway Community Center, Council Chambers  
160 West Main Street, Midway, Utah**

**Note:** Notices/agendas were posted at 7-Eleven, Ridley’s 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 6:17 p.m.

**Members Present:**

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

**Staff Present:**

Corbin Gordon, Attorney  
Michael Henke, Planning Director  
Wes Johnson, Engineer  
Katie Villani, Planner  
Brad Wilson, Recorder

**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 Calendar**

- a. Agenda for the 17 November 2023 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 27 April 2023 City Council Meeting
- d. Minutes of the 3 October 2023 City Council Work Meeting
- e. Minutes of the 3 October 2023 City Council Regular Meeting
- f. Minutes of the 3 October 2023 City Council Closed Meeting
- g. Third one-year extension of the final approval for the Pack Subdivision, formerly the Howland Subdivision, located at 600 West 200 North (Zoning is R-1-15).

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

Council Member Dougherty noted that the staff report for the Pack Subdivision said further extensions were possible, which was incorrect.

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

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

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	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.

HVA / MAC

Sue Waldrip with High Valley Arts (HVA) made the following comments:

- Thanked the Council for participating in past HVA events.
- 2000 people attended HVA's production of Beauty and the Beast.
- Residents would receive a flyer in the mail promoting the Midway Arts Center (MAC). It would help them understand what the facility would look like.
- The MAC had been redesigned to soften the view.
- Theater provided people an opportunity to develop their talents and entertain.
- A handout from the State explained the revenue received from the arts.
- HVA could hold a fundraiser, with a famous artist, for the City.

Council Member Drury asked if HVA had any applications before the City. Michael Henke responded that they had a zone change application. Ms. Waldrip responded that HVA was not pursuing the application at that time.

Pedestrian Accidents

Council Member Simonsen indicated that an increasing number of pedestrians were being hit or even killed in Utah. He added that 90% of those accidents were preventable. He asked drivers to pay more attention.

No further comments were offered.

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

##### Open Space Committee / Bond

Council Member Payne reported that the Open Space Advisory Committee might come before the Council and recommend a second open space bond. He noted that most of the funds from the first bond had been exhausted.

##### Culinary Water System / Smell or Discoloring

Council Member Dougherty advised residents to call the Public Works Department if their culinary water smelled or was discolored. He indicated that flushing the main line would help.

##### PI System / Blow Out Sprinklers

Council Member Dougherty reported that the pressurized irrigation system had been turned off. He recommended that residents blow out their sprinkler systems.

##### Local Businesses / Trick or Treat

Council Member Dougherty reported on the trick or treat held by local businesses.

##### HL&P / Financial Statements / Dividends

Council Member Dougherty reported that Heber Light & Power Company (HL&P) showed a deficit on its financial statements because of depreciation. He noted that HL&P had enough cash but would not provide dividends for several quarters.

##### HL&P / Net Metering

Council Member Dougherty indicated that a new substation would rectify the issue with some customers in Midway not being able to net meter.

##### HL&P / Budget Hearing

Council Member Dougherty reported that HL&P would hold a public hearing on its proposed 2024 budget on November 15<sup>th</sup>.

##### EV Chargers

Council Member Orme asked if faster electric vehicle chargers could be installed in the area. Council Member Dougherty responded that HL&P received a grant to install the current

chargers. Council Member Drury added that faster chargers were installed by electricity infrastructure companies based on need. Council Member Dougherty explained a rebate the owners could receive for installing chargers in their garages.

#### HL&P / Irrigation Company / Boundary Commission / Replacement

Council Member Dougherty asked the Council to think about who should replace him on the HL&P Board, Midway Irrigation Company Board, and the Wasatch County Boundary Commission.

#### **5. Ice Rink / Presentation of Check** (Midway Boosters – Approximately 10 minutes) – Presentation of a check for a portion of the revenue collected at the Midway Ice Rink for the 2022 – 2023 season.

Reed Beck, Midway Boosters President, and Steve Hardy, Midway Boosters Treasurer, presented a check for \$12,000 to the City. They asked that it be held in reserve for future capital expenditures at the ice rink. They indicated that the Boosters had put together a committee to help in the management of the ice rink. Council Member Drury expressed appreciation for the many hours of work that the Boosters contributed to the ice rink.

Wes Johnson reported on the header and other piping being replaced at the rink.

Corbin Gordon reported that the management agreement with the Boosters had been completed. Brad Wilson indicated that several exhibits were still needed for the agreement.

#### **6. Whitaker Farm Subdivision / Amendment** (Tom Wardle – Approximately 20 minutes) – Discuss and deny, continue, or approve an amendment to the plat map for the Whitaker Farm Subdivision located at 455 North River Road (Zoning is RA-1-43). **Public Hearing**

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

- Location of the effected lots
- Recorded plat map
- Possible findings
- Proposed note language.

Mr. Henke also made the following comments:

- The amendment was minor and did not go to the Planning Commission.
- It would remove the fourth note on the plat map that prohibited driveways on Whitaker Farm Way. The street was no longer a collector road so driveways would not be an issue.
- Wanted to limit driveways across trails.
- It was difficult to access Lot 1, from Waters Edge Road, because of an island in the road.
- Recommended that the lots be limited to one instead of multiple access.
- Staff suggested that the note be modified instead of removed.

- The owner of Lot 1 requested the amendment.
- Had spoken to the previous but not the current owner of Lot 50.

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

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

- The note should include the bullet points from the presentation to justify why the amendment was allowed.
- The access for Lot 1 should be as far north as possible.
- The accesses should not align with the driveways in White Acres to avoid vehicles coming out at the same time. If they aligned, then other vehicles would be easier to see and headlights would not shine into windows.
- Lot 50 should only access Waters Edge Road and not Whitaker Farm Way. It could be either/or because Whitaker Farm Way was no longer a collector road.
- Midway would suffer because of the lack of through roads.
- Whitaker Farm Way could become a through road.

Tom Wardle, applicant, made the following comments:

- Requested the amendment because his lot was for sale and access had become an issue.
- The owner of Lot 50 was not part of the application.
- Wanted flexibility with his lot.
- Agreed with the note modification suggested by staff.
- The amendment would not negatively impact the owner of Lot 50.

### **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.

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

- Different criteria for the two lots was a concern.
- White Acres should not have been approved as proposed.
- The owner of Lot 50 should be able to choose which road the driveway accessed.
- Whitaker Farm Way could effectively become a collector road in the future.
- There should only be one curb cut on either lot.

**Motion:** Council Member Drury moved to approve the amendment for the Whitaker Farm Subdivision with the following findings and conditions:

- Only lots 1 and 50 would be affected by the proposed amendment.
- The proposal was a legislative action, and the City Council could remove or amend the

plat map note.

- Limiting driveway crossings across the trail created a safer trail and pedestrian experience.
- No public street, right-of-way, or easement would be vacated or altered.
- The plat note for lots 1 and 50 would say that each lot would be allowed to have a single driveway access from either Whitaker Farm Way, Salazar Springs Road, or Waters Edge Road. No horseshoe driveways would be allowed because of the trails along the roads.

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

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

**7. Rocky Mountain Power / Conditional Use Permit** (Travis Jones – Approximately 10 minutes) – Discuss and possibly deny, continue, or approve a conditional use permit for Rocky Mountain Power to rebuild the existing Judge transmission line located along the west boundary of Midway City.

Michael Henke gave a presentation regarding the proposed conditional use permit (CUP) and made the following comments:

- Had communicated with Wasatch County regarding the rebuilding of the transmission line.
- Only a small portion of the line was in the City.
- The impact on residents should be limited.
- The equipment that would be used would not be much larger than that used for maintenance.
- Any cuts in hillsides would be revegetated.
- Rocky Mountain Power (RMP) was also going through the approval process with the County.
- Any approval should be conditioned upon the back county access plan provided by RMP.

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

Corbin Gordon made the following comments:

- Worked with Council Member Payne regarding the proposal.
- Any approval should be conditioned upon a limit of one 46 kV circuit.

Travis Jones, a business manager with Rocky Mountain Power, made the following comments:

- Emailed Mr. Henke the requested documents regarding wildfire protection for transmission lines. They included House Bill 66, a letter of support from the Wasatch Mountain State Park, and a letter of approval from the United States Forest Service. Mr. Henke responded that he did not receive the documents. The meeting record should include all these documents.
- The line was designed for 138 kV but would only carry 46 kV. RMP would need City approval to increase the voltage to 138 kV.
- The line would have to be redesigned to carry another circuit.
- Steel poles were specifically designed for the location.
- Transmission lines would have to be redesigned and probably the metal poles replaced to accommodate another circuit.
- Wasatch Mountain State Park allowed its property to be used for staging and supporting the project.
- The Forest Service approved the project via email.

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

- An identical pole, to what was used on 970 South to carry one circuit, was used on Midway Lane to carry two circuits. Why was RMP telling the Council that the pole could only carry a single circuit? Another RMP engineer who worked on the line indicated that the 970 South pole could carry two circuits. The pole on 970 South was used to span a greater distance and to cross a road, which meant that it could only carry one circuit. This was confirmed by the engineer who designed the line. The difference in spans for the two lines was approximately 35 feet.
- The 970 South transmission line was always proposed for two 138 kV circuits. Then it was quickly reduced to one circuit when a settlement was reached. The poles used for the line did not look like those in the specifications. The applicants were not forthcoming. The line was not compliant with the settlement agreement. The poles could have been designed and purchased before the settlement agreement. Additional city approval would be needed to install another circuit. The poles would have to be replaced to carry another circuit.
- Any proposed changes after a CUP was granted would have to come back to the Council for approval.
- It was difficult for the Council to question RMP's intentions when they were not engineers.
- The 970 South transmission line was within the scope of the settlement agreement.
- An issue could be raised if something violated an agreement.
- The 970 South line was a separate issue from the Judge line.
- The Judge Line was being rebuilt to mitigate fire hazards.

**Motion:** Council Member Simonsen moved to approve the conditional use permit requested by Rocky Mountain Power with the following conditions:

- All the information discussed that night was on the record.
- The approval was subject to the backcountry plan provided by the applicant and that they adhere to that plan.
- The applicant would adhere to all the proposed engineering including limiting the line to

- one 46 kV circuit and a pole for pole replacement along the existing line.
- The project would have a stormwater pollution prevention plan.
- A consistent plan with Wasatch County.

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

**Discussion:** None

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

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Nay
Council Member Simonsen	Aye

- 8. Appenzell PUD / Appeal of Administrative Decision** (City Attorney – Approximately 45 minutes) – Discuss and deny, continue, or approve an appeal by the Appenzell PUD HOA of an administrative decision to not process an application because of a pending ordinance.

Council Member Dougherty disclosed that he received a call from Tyler Lamarr, an attorney representing the Appenzell HOA, and told him that he could not talk to him because it would be exparte communication.

Corbin Gordon reported that the HOA withdrew its application, and the appeal was no longer valid.

## 9. Adjournment

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

The meeting was adjourned at 8:04 p.m.

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Celeste Johnson, Mayor

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Brad Wilson, Recorder

Midway City Council  
5 December 2023  
Regular Meeting

LaBarge Subdivision /  
Extension of Final Approval



## **CITY COUNCIL MEETING STAFF REPORT**

**AGENDA ITEM:** Final Approval extension request for LaBarge Subdivision

**DATE OF MEETING:** December 5, 2023

**APPLICANT:** Michael LaBarge

**LOCATION:** 922 North Pine Canyon Road

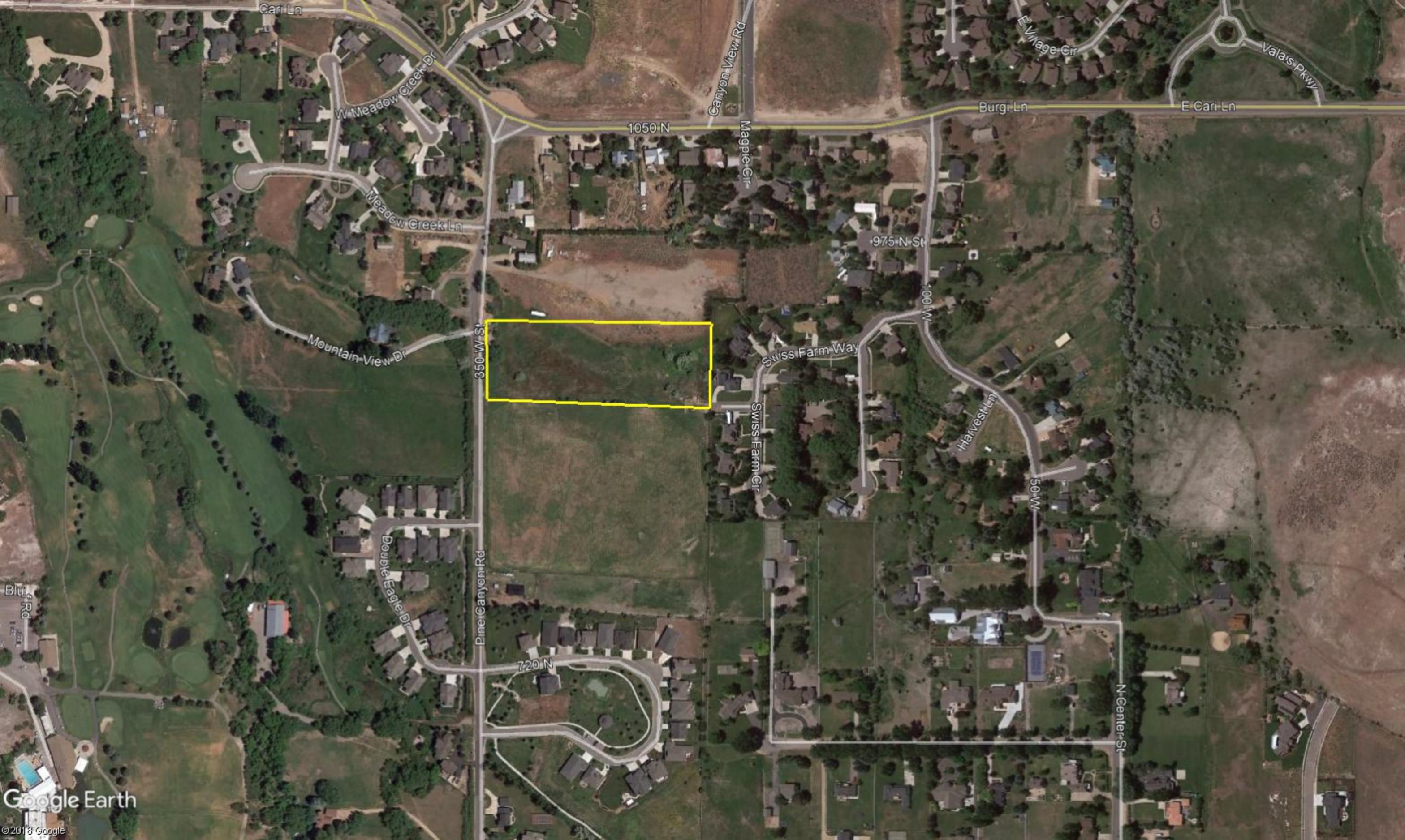
### **STAFF SUMMARY**

Michael LaBarge has submitted a final approval extension request for the LaBarge Subdivision, a 4-lot subdivision proposal on 4.2 acres at 922 North Pine Canyon Road. Final approval was granted by the City Council on October 4, 2023. The applicant is seeking the first of three possible one-year extensions. This project does not have any outstanding fees. Staff has not found that any of the following items are an issue for this project.

If the following criteria are met, then the City Council may grant an extension:

1. Construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded;
2. The property must be maintained in a clean, dust-free, and weed-free condition at all times;
3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Please contact Michael with any questions that you have.



Cari Ln

W Meadow Creek Dr

Meadow Creek Ln

Mountain View Dr

Double Eagle Dr

350 W St

Pine Canyon Rd

720 N

1050 N

Canyon View Rd

Maggie Cir

Swiss Farm Way

Swiss Farm Cir

975 N St

100 W

Harvest Ln

50 W

N Center St

Burgi Ln

E Village Cir

E Cari Ln

Valais Pkwy

# LaBarge Trust Subdivision

LOCATED IN THE:  
NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 27,  
TOWNSHIP 3 SOUTH, RANGE 4 EAST  
SALT LAKE BASE AND MERIDIAN,  
MIDWAY CITY, WASATCH COUNTY, UTAH

OWNER:  
LARINA INVESTMENTS, LLC.  
(PARCEL NO. 00-0014-3086)

OWNER:  
LARINA INVESTMENTS, LLC.  
(PARCEL NO. 00-0006-2385)

LOT : 1  
85233 S.F.  
1.96 AC.  
286 WEST SWISS FARM WAY  
(LOT 1 MAY NOT BE BE SUBDIVIDED ANY FURTHER)

LOT : 2  
22233 S.F.  
0.51 AC.  
254 WEST SWISS FARM WAY

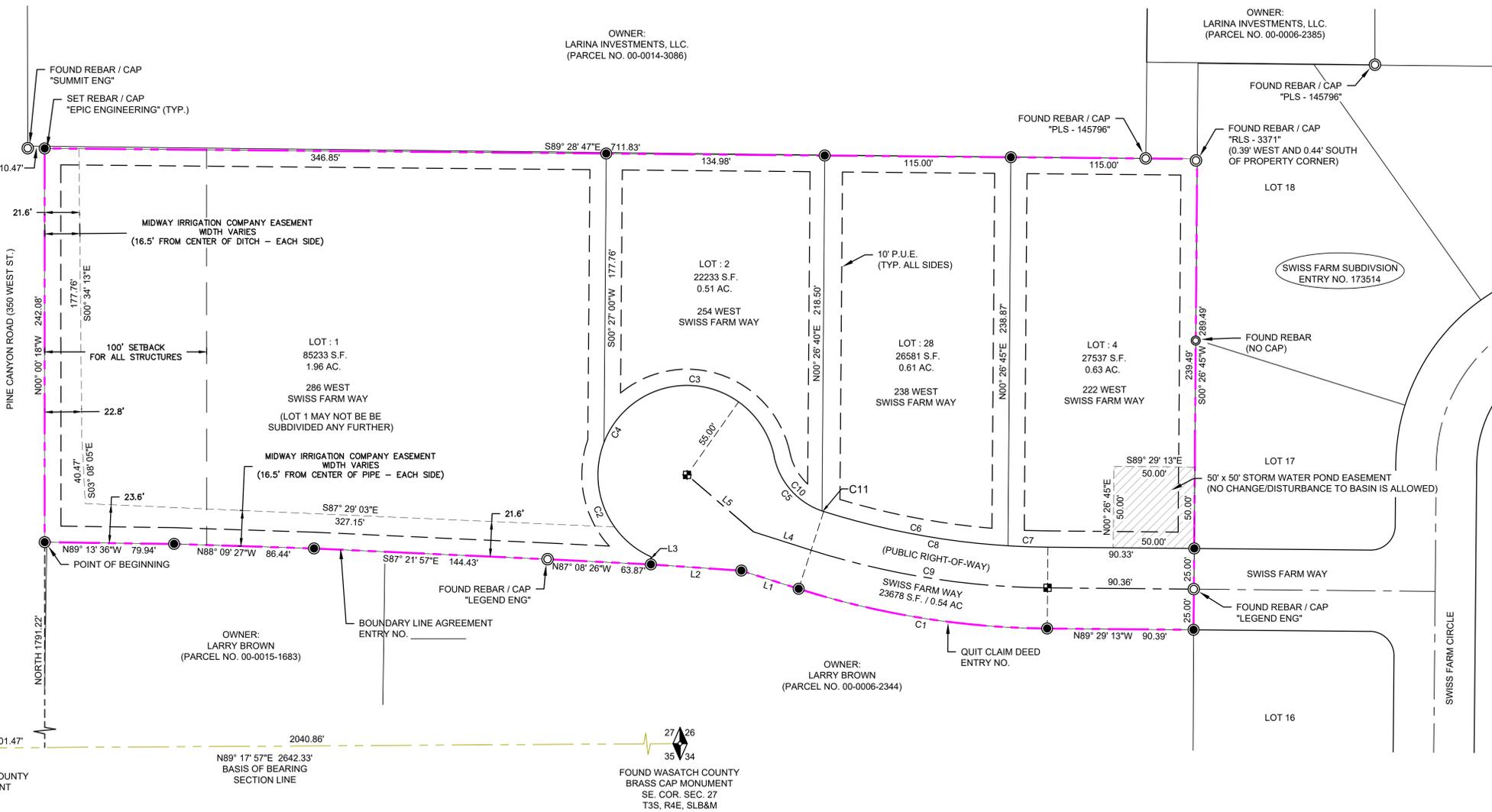
LOT : 28  
26581 S.F.  
0.61 AC.  
238 WEST SWISS FARM WAY

LOT : 4  
27537 S.F.  
0.63 AC.  
222 WEST SWISS FARM WAY

LOT 18

LOT 17  
50' x 50' STORM WATER POND EASEMENT  
(NO CHANGE/DISTURBANCE TO BASIN IS ALLOWED)

LOT 16



Line #	Length	Direction
L1	37.07	N72°27'44"W
L2	56.04	N86°05'15"W
L3	4.77	S00°27'00"W
L4	37.07	S72°27'44"E
L5	54.01	S49°33'23"E

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	156.00	525.00	17°01'29"	N80°58'28"W	155.42
C2	83.70	55.00	87°11'27"	S22°29'24"E	75.85
C3	141.21	55.00	147°06'23"	N85°20'29"W	105.50
C4	224.91	55.00	234°17'50"	S51°03'47"W	97.88
C5	46.64	45.00	59°23'06"	S41°28'51"E	44.58
C6	116.06	475.00	13°59'59"	S79°30'35"E	115.77
C7	24.68	475.00	2°58'39"	S87°59'54"E	24.68
C8	140.75	475.00	16°58'38"	S80°59'54"E	140.23
C9	148.57	500.00	17°01'29"	S80°58'28"E	148.02
C10	46.64	45.00	59°23'06"	S41°28'51"E	44.58
C11	1.05	45.00	1°20'12"	S71°50'29"E	1.05

**SURVEYOR'S CERTIFICATE**

I, ROBBIN J. MULLEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 368356, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS THE LABARGE SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

ROBBIN J. MULLEN  
June 27, 2023  
DATE



**SUBDIVISION DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, MIDWAY CITY, WASATCH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF PINE CANYON ROAD (350 WEST STREET), 1791.22 FEET NORTH AND 601.47 FEET NORTH 89°17'57" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 27, THENCE NORTH 00°00'18" WEST 242.08 FEET; THENCE SOUTH 89°28'47" EAST 711.83 FEET TO A POINT ON THE WEST LINE OF THE SWISS FARM SUBDIVISION, ENTRY NUMBER 173514, RECORDED IN THE WASATCH COUNTY RECORDER'S OFFICE; THENCE SOUTH 00°26'45" WEST 264.49 FEET ALONG THE WEST LINE OF SAID SWISS FARM SUBDIVISION TO A FOUND REBAR AND CAP STAMPED "LEGEND ENG"; THENCE NORTH 89°28'48" WEST 27.99 FEET TO A POINT ON AN EXISTING WIRE FENCE; THENCE ALONG SAID WIRE FENCE THE FOLLOWING EIGHT (8) COURSES: (1) NORTH 87°39'56" WEST 51.54 FEET; (2) NORTH 88°40'45" WEST 68.98 FEET TO A FOUND REBAR AND CAP STAMPED "LEGEND ENG"; (3) NORTH 87°23'30" WEST 67.33 FEET; (4) NORTH 86°05'15" WEST 119.90 FEET; (5) NORTH 87°08'26" WEST 63.87 FEET TO A FOUND REBAR AND CAP STAMPED "LEGEND ENG"; (6) NORTH 87°21'57" WEST 144.43 FEET; (7) NORTH 88°09'27" WEST 86.44 FEET; (8) NORTH 89°13'36" WEST 79.34 FEET TO A POINT ON THE EAST LINE OF SAID PINE CANYON ROAD AND THE POINT OF BEGINNING.

CONTAINS: 179,558 S.F. / 4.12 AC +/-

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOWN ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS LABARGE SUBDIVISION, DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

AS WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D.

BY: MICHAEL L. LABARGE \_\_\_\_\_ DATE \_\_\_\_\_

BY: JILL LABARGE \_\_\_\_\_ DATE \_\_\_\_\_

**ACKNOWLEDGMENT**

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES MENTIONED.

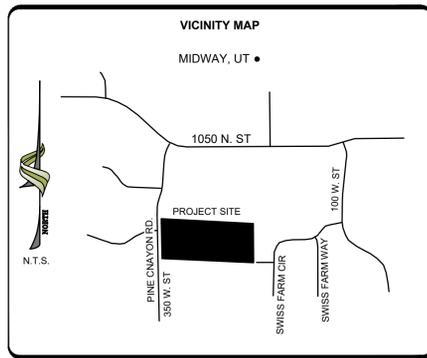
NOTARY PUBLIC IN AND FOR THE STATE OF UTAH  
RESIDING IN \_\_\_\_\_, UTAH  
STATE OF UTAH }  
COUNTY OF \_\_\_\_\_ }

MY COMMISSION EXPIRES: \_\_\_\_\_

**MIDWAY CITY PLANNING COMMISSION**

APPROVED AND ACCEPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D., BY THE MIDWAY CITY PLANNING COMMISSION.

PLANNING DIRECTOR \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION \_\_\_\_\_



**ACCEPTANCE BY MIDWAY CITY**

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_

APPROVED \_\_\_\_\_ ATTEST \_\_\_\_\_  
MAYOR CLERK-RECORDER

APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_  
CITY ENGINEER CITY ATTORNEY

**CITY ENGINEER SEAL** **CLERK/RECORDER SEAL**

**MIDWAY IRRIGATION DISTRICT APPROVAL**

APPROVED AND ACCEPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D., BY THE MIDWAY IRRIGATION DISTRICT.

MIDWAY IRRIGATION DISTRICT

**MIDWAY SANITATION DISTRICT APPROVAL**

APPROVED AND ACCEPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D., BY THE MIDWAY CITY SANITATION DISTRICT.

MIDWAY CITY SANITATION DISTRICT

**WASATCH COUNTY SURVEYOR**

APPROVED AS TO FORM ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ RECORD OF SURVEY # \_\_\_\_\_

COUNTY SURVEYOR \_\_\_\_\_ DATE: \_\_\_\_\_

**LEGEND**

SECTION CORNER (FOUND)

SECTION CORNER (CALCULATED)

SECTION LINE

PROPERTY LINE

LOT LINE

SET MONUMENT

FOUND MONUMENT

ROAD CENTERLINE

PUBLIC UTILITY EASEMENT (P.U.E.)

**LaBarge Trust Subdivision**

N1/2 SE1/4 OF SEC. 27, T3S, R4E, SLB&M,  
MIDWAY CITY, WASATCH COUNTY, UTAH

**epic**  
3341 South 4000 West  
West Valley, Utah 84120  
(801) 955-0900  
98 East 100 South  
Hobart City, Utah 84032  
(435) 654-9900

PROJECT #: 18SM3277  
DATE: 6/27/23  
SHEET NO: 1 OF 1

DRAWN: JD  
CHECKED: RM