

Midway City Corporation

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December 2, 2025

ADMINISTRATIVE APPEAL

Overview of Appeal Process:

I. Call meeting to order:

Narrative: It is 5:00 pm on December 2, 2025. We are assembled in the Midway City Council chambers for an Administrative Appeal. This is an administrative appeal from a final land use decision rendered by Mr. Michael Henkie, Midway City Planner relating to issuing a site disturbance permit to the Homestead.

On October 14, 2025, Chalets on the Creek submitted an appeal of the issuance of the site disturbance permit based on the argument that the Homestead Golf Course was not legally established in 1989.

The Midway City Code provides that the Appellant can appeal an Administrative Decision within thirty (30) days of the final decision. The site disturbance permit was issued on September 15, 2025, and Appellant in this case requested this appeal on October 14, 2025, so the appeal is timely.

According to the Midway City Code, the City Council shall be the appeal authority of all non-variance land use decisions in which the City Council has not first acted as the land use authority. This is a non-variance land use decision, and the City Council did not act as the land use authority in this matter. Therefore, the City Council is properly acting as the appeal authority. As mayor, I'm here to conduct

the appeal but will not participate in the deliberations or decision. That decision will be made by the Council.

The Standard of Review that the City Council shall use in this appeal is *de novo*. That is a legal term meaning “anew” or “afresh”. In other words, the City Council does not favor one side or the other, but takes an unbiased and impartial look at the evidence presented by each side, and then issues a ruling. However, the burden of proof in this matter is on the Appellant. In other words, the Appellant has the burden of proving that the Administrative Decision is incorrect.

The City Council, as the Appeal Authority, is required to interpret and apply the law and existing ordinances to the facts of the case to determine if the Administrative Decision was correct or incorrect.

The City Council is making a record of these proceedings. That means that the proceedings will be recorded and transcribed. All properly submitted materials from both sides for tonight’s hearing will also be made a part of the record. In addition, the following are also made a part of this record:

Documents Already Part of the Record.

1. Appeal letter dated October 15, 2025 from the Chalets on the Creek HOA.
2. Power Point Presentation submitted by Midway City.
3. Historical documents associated with approval of the Homestead Golf Course.
4. The existing Midway City Code is also a part of the record.

This is not a public hearing. The City Council does not take public comment during this appeal. It is a public meeting, but audience members shall refrain from interrupting in any way the proceedings.

The standard process of appellate boards and courts will be generally followed. All materials and argument received by the Appeal Authority must be relevant to the subject of the appeal, which is limited to the question of whether the Homestead Golf Course was legally approved in 1989.

The hearing shall be conducted as follows:

The Appellant shall have twenty (20) minutes to make its initial presentation. The presentation may be made by the Appellant or by legal counsel.

The Appellee (Midway City) shall then have twenty (20) minutes to make its presentation. The presentation may be made by the Appellee or by legal counsel.

The Appellant shall then have five (5) minutes to make a final summation.

The Appellee shall then have five (5) minutes to make a final summation.

The Appeal Authority may ask questions of the speakers. Questions and answers shall be included in the time allowances discussed above. Please keep questions short and to the point to allow the speaker as much time as possible to make their presentation.

A presenter may use less than their allotted time, but may not go over time.

The hearing shall be conducted in an orderly and respectful manner. No public comment will be taken, and no outbursts, comments or statements from the public will be allowed. Signs are not allowed in the hearing room.

The Administrative Appeal has appointed Brad Wilson as the timer. The Timer will keep time for each presentation, and shall indicate to the presenter when they have five (5) minutes left, when they have one (1) minute left, and when time is up. Presenters shall complete their presentation promptly on time.

Following the hearing, the Administrative Appeals Board may issue a ruling at the hearing, or may take the matter under advisement and issue a ruling within a reasonable time.

Generally, the administrative ruling will either uphold the final decision of the administrative officer (the Midway City Planner) or will overturn the final decision of the administrative officer. If the Administrative Appeals Board decision is to overturn the administrative officer, the matter would normally be sent back to the Planning office for processing consistent with the Appeals Board decision.

II. Proceed with Hearing

III. RECESS FOR DELIBERATION

Appeal Hearing – Midway City Council December 2, 2025

My name is John Reeves, I'm representing Chalets on the Creek HOA, a PUD which is adjacent to the Homestead Golf Course along the 11th and 13th holes.

I am here today to appeal the Midway City Planning Department issuance of a site disturbance permit to the Homestead Group LLC on September 15, 2025 for the redevelopment of the Homestead Golf Course. We believe the Midway City Planning Department erred in issuing that permit to the Homestead Group as an existing nonconforming use since we have found significant evidence on the record that the golf course did not fit into the zoning code when a Letter of Commitment was signed in June 1988 and construction began in 1989 as follows:

1. Ordinance 87-3 (April 3, 1987) does not list a golf course as a permitted, conditional or other use in the R-4 or R1-A zones.
2. Ordinance 87-4 (December 3, 1987) amended the existing zoning code to create a new R-5 zone to allow for a golf course, however, it was not signed by the mayor as required thus the ordinance was never in effect.
3. Ordinance 87-4 does not explicitly specify a golf course as a permitted, conditional or other use in the R-5 zone. MMC 16.13.320 requires that a use be expressly stated otherwise it is prohibited.
4. Ordinance 87-4 does not include, or reference to a zoning map making it impossible for the city to issue a building permit or a Certificate of Zoning compliance for a specific location.
5. Midway City has a 1990 zoning map but no evidence it was approved by separate ordinance. Without a valid zoning map there would not have been possible to issue a building permit.
6. The 1990 zoning map is dated January 1990 and the construction began in 1989 so it couldn't have been used to determine zoning compliance.
7. We have found no evidence that a written building permit and Certificate of Zoning Compliance was ever issued by Midway City which was a clear violation of the MMC at the time (02.1101 and 02.1107).

Simply put, if the golf course was never legally established, it cannot be considered a legal nonconforming use now. Midway City failed to properly amend the zoning code back in 1987 to allow for a golf course to be constructed and operate within the original R4 or the newly created R5 zones. In addition, we have found no evidence to suggest that a building permit or a Certificate of Zoning Compliance was issued by Midway City in 1989 for the initial construction of the course (a direct violation of city code at the time). The city should have required that the Homestead Group LLC produce such evidence for a certificate of zoning compliance before the recent site disturbance permit was issued. It appears that instead of a building permit the city allowed the course to be constructed with only a Letter of Commitment from the land owners who granted easements to the Homestead Golf Club - even though that commitment was only so that a building permit could be processed. Without a building permit, there was no Legal Description of the Property, another fatal flaw in the process. Perhaps the most egregious issue is that a large portion of the course was constructed along Snake Creek and within the extensive Snake Creek wetlands without the appropriate permits as far as we can tell. To build this portion of the course would have required a dredge and fill permit from the US Army Corps of Engineers under the clean water act. None of the above legal requirements have a statute of limitations and every day is considered a new violation. These violations have been occurring over the past 30 years.

In summary, we believe the Planning Department greatly erred in issuing the recent site disturbance permit without two very important components: a legal description of the property and a Certificate of Zoning Compliance. A legal description is so fundamental - that alone would invalidate the entire permit. The certificate of zoning compliance would have evaluated all the zoning and permitting requirements previously discussed. Processing a certificate of zoning compliance would have required that the applicant provide proof that a building permit and a certificate of zoning compliance had been issued to prove legal establishment of the course when first constructed in 1989. If a certificate of zoning compliance could not be issued, the Homestead Group LLC would have been required to apply for a variance to the existing code to allow the course to be redeveloped. The Homestead Group would have had to explain why it is in the city's best interest to allow an extremely narrow course to be reconstructed in a dense residential area and a reputation for improperly and unfairly treating property owners around the course. In conclusion, we request that the City Council revoke the site disturbance permit issued on September 15, 2025 which we believe invalid for the aforementioned reasons. To move forward, the city should insist that the Homestead Group apply for a variance so that the golf course can be properly vetted and concerns from the various stakeholders be heard.

CHALETS ON THE CREEK HOMEOWNERS ASSOCIATION

104 EAST 600 SOUTH #843

HEBER CITY, UTAH 84032

October 14, 2025

Celeste Johnson, Mayor

75 North 100 West

Midway City, UT 84049

APPEAL – The Homestead Golf Course Improvements Site Disturbance Permit

Dear Mayor Johnson -

Chalets on the Creek HOA appeals the recent Site Disturbance Permit issued to the Homestead Group LLC by Michael Henke and Wes Johnson on September 15, 2025. Our understanding is that the Midway City Planning Department determined that a Site Disturbance Permit was the appropriate permitting instrument because it believes the golf course was a grandfathered nonconforming use. We appeal this determination because we have found no evidence that the planning department actually evaluated whether the golf course had been legally established in 1989 before issuing the permit last month. We are very surprised that the Homestead Group did not request such a certification before it applied for the site disturbance permit from Midway City since an original building permit for the golf course does not seem to exist. Also surprising is that the city did not require its own certification before issuing the permit or proclaiming to the public that the golf course was an existing use that was grandfathered in and couldn't be changed. It appears that making such a proclamation in the absence of an actual certification and not conducting public hearings could be seen as purposeful subterfuge to negate any accountability for placing a poorly designed golf course in what has become a densely populated residential zone (R-1-15). It has been used as an excuse to take no actions or set any conditions on the permit recently issued to protect the health and safety of citizens owning property adjacent to the golf course.

The way we see it, if the golf course was not legally established the Homestead Group would have been required to apply for a variance to the current zoning regulations. This would have required public hearings where the public could have formally provided input on what would

be needed for the course to continue to operate safely in a residential zone. If approved, the city would have been required to issue a conditional use permit, again with public hearings, to redevelop the course where specific conditions could be set.

Because of this, we believe the Planning Department erred in issuing a site disturbance permit for a golf course since there appears to be significant evidence on the record that golf course was not legally established as a nonconforming use when first constructed in 1989 as follows:

1. Ordinance 87-4 (December 3, 1987) was passed to create an R-5 zone to accommodate a golf course, but it was signed by the city Recorder rather than the Mayor invalidating the ordinance.
2. Ordinance 87-4 does not explicitly specify a golf course as a permitted, conditional or other use in the R-5 zone.
3. Ordinance 87-4 does not approve or include reference to a zoning map making it impossible to implement a construction permit for a specific location.
4. No evidence that the 1990 zoning map was approved by separate ordinance. Without an approved zoning map, a construction permit could not have been issued.
5. Ordinance 87-3 (April 3, 1987) does not list a golf course as a permitted, conditional or other use in the R-4 or R1-A zones.
6. The 1990 zoning map is dated January 1990 and the construction began in 1989 so it couldn't have been used for permitting purposes.
7. There is no evidence that a written building permit was issued by Midway City for the construction of the golf course.

Simply put, if the golf course was never legally established, it cannot be considered a nonconforming use now. Current zoning code prohibits golf courses in the R-1-15 zone. We request Midway City withdraw the current Site Disturbance Permit, suspend all work, and require that the Homestead Group apply for a variance to allow the golf course to be redeveloped within the current zoning. Once approved, the city should require that the course be permitted using a conditional use permit where the city will be required to conduct public hearings and establish conditions to mitigate the effects of operating a narrow golf course in a well-developed residential area where the use is prohibited because of the negative effects on people and property.

It should be noted that the Chalets on the Creek is in favor of the Golf Course Redevelopment, but we believe the owners should be held accountable for code violations during construction and take reasonable measures to protect the people and residential properties that are closely packed along it. We request that if legal counsel is required, that the City not use Gordon Law Group (Midway's usual city attorney), since the firm has exhibited a strong negative bias against Chalets on the Creek

HOA president Norm Henderson. In addition, Mr. Henderson was told by Ben Shakespeare in February that he already had had several ex parte conversations with Corbin Gordon regarding the site disturbance permit without the planning department representatives in attendance.

Best Regards,

/s/ Norm Henderson
President, Chalets on the Creek HOA

/s/ John Reeves
Secretary/Treasurer, Chalets on the Creek HOA



APPEAL -- HOMESTEAD

1

INTRODUCTION

- Chalets on the Creek (Chalets) has filed an appeal of Midway City’s site disturbance permit issued to the Homestead based on the following theory:
- “Our understanding is that the Midway City Planning Department determined that a Site Disturbance Permit was the appropriate permitting instrument because it believes the golf course was a grandfathered nonconforming use. We appeal this determination because we have found no evidence that the planning department actually evaluated whether the golf course had been legally established in 1989 before issuing the permit last month.”
- THIS IS THE ONLY THEORY UPON WHICH THE APPEAL IS BASED
- Before addressing any of the substantive arguments there are numerous legal doctrines that apply to the situation, wherein neither Chalets nor Midway City may revisit an approval issued 38 years ago.



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THE APPEAL FAILS BECAUSE THE STATUTE OF LIMITATIONS HAS RUN

- There are three theories upon which a statute of limitations applies, and none work:
- **LUDMA:** Under the current version of the Utah Municipal Land Use, Development, and Management Act (LUDMA) — in particular § 10-9a-704 — a municipality must adopt an ordinance setting a “reasonable time” (but not less than 10 days) for an appeal of a written decision of a land-use authority. In the absence of such ordinance, the statute prescribes 10 calendar days to appeal.
 - No appeal of the decision was filed.



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THE APPEAL FAILS BECAUSE THE STATUTE OF LIMITATIONS HAS RUN

- **Pre-LUDMA case law** → Even if the challenger argues LUDMA doesn't apply because the decision predates 2005 (the year LUDMA was enacted), Utah case law still applies and case law at the time still required prompt challenge.
- **Salt Lake County v. Board of Education of Salt Lake City, 740 P.2d 284 (Utah 1987)**
- **Holding:** The Utah Supreme Court held that when a statute or ordinance does not specify a time to appeal an administrative decision, the challenger must bring the action “**within a reasonable time**”—and that this requirement is **strict**.
- The Court stated:
 - When no time limit is established by statute or ordinance, a challenge must be brought **within a reasonable time**, which is determined by the **need for finality in government decisions**.
 - It was repeatedly cited in later zoning cases to justify **strict, prompt deadlines**. See **McDonald v. Price, 784 P.2d 311 (Utah 1989)** (decision directly interpreting the pre-1987 rule). This case came two years after 1987 and explicitly applied the “reasonable time” rule to **land-use decisions** where no appeal period existed.



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THE APPEAL FAILS BECAUSE THE STATUTE OF LIMITATIONS HAS RUN

- **Fox v. Park City, 2008 UT 85**
- The court held that residents **cannot collaterally attack a long-final land-use decision** by repackaging it as a new legal theory.
- After the appeal period expires, **the decision is final, regardless of alleged illegality.**
- **Gillmor v. Summit County, 2010 UT 69**
- The Utah Supreme Court held that:
 - A land-use decision becomes **final and unassailable** after the statutory time expires.
 - **Collateral attacks years later are barred**, even if the original approval was wrongly issued.
- **Creer v. Spanish Fork, 2021 UT App 88**
- A resident tried to challenge a decades-old subdivision claim on illegality grounds. The court held:
 - “Final land-use decisions are not subject to later attack, even if the challenger alleges the decision violated the law.”



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THE APPEAL FAILS BECAUSE THE STATUTE OF LIMITATIONS HAS RUN

- **General statutes of limitation** → § 78B-2-302 requires cases brought against “counties, towns and cities” to be **within one year**. § 78B-2-310: Actions against public officers -- **Within six years**. An action by the state, an agency, or a public corporation against a public officer for malfeasance, misfeasance, or nonfeasance in office or against a crime insurance policy in relation to the public officer's duties may be brought within six years after the officer ceases to hold the office. § 78B-2-307. Within four years. An action may be brought **within four years**: for relief not otherwise provided for by law.
- **Doctrine of laches** → this bars stale claims even when no statute applies
- **Municipal reliance interests** → 30+ years of operation is exceptionally strong evidence of vested rights
- **Bottom line: No Utah court has ever allowed a challenge to a decades-old city land-use approval to proceed.**

Whether you use LUDMA, pre-LUDMA common law, or § 78B-2-302, the result is the same: the claim is barred.



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REVIEW OF APPEAL

Dear Mayor Johnson –

Chalets on the Creek HOA appeals the recent Site Disturbance Permit issued to the Homestead Group LLC by Michael Henke and Wes Johnson on September 15, 2025. Our understanding is that the Midway City Planning Department determined that a Site Disturbance Permit was the appropriate permitting instrument because it believes the golf course was a grandfathered nonconforming use. We appeal this determination because we have found no evidence that the planning department actually evaluated whether the golf course had been legally established in 1989 before issuing the permit last month.

Facts:

Homestead appeared before the City Council on October 5, 1987 and asked if they could file for a conditional use permit for a golf course under the Zones R-1-A and R-4.

The City Council found that the use of a golf course was similar to those allowed for conditional uses under the Zone and approved their request to file for a conditional use permit under these zones.

Homestead appeared on November 5, 1987 before the City Council asking for the Conditional Use Permit for the Golf Course and was approved.

December 3, 1987 the City Council approved the R-5 zone which allowed for condominiums around the golf course. THE GOLF COURSE WAS NOT APPROVED UNDER THIS ZONE.

April 17, 1988 the City Council amended the R-5 zone to add RV's and Trailers.



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We are very surprised that the Homestead Group did not request such a certification before it applied for the site disturbance permit from Midway City since an original building permit for the golf course does not seem to exist.

- Facts:
- There are no building permits issued for landscaping, which misses the point – the golf course was approved as a conditional use permit and Chalets has had in its possession all of the documents that were just cited and that clearly establish the golf course was in fact approved before it filed its appeal.



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- Also surprising is that the city did not require its own certification before issuing the permit or proclaiming to the public that the golf course was an existing use that was grandfathered in and couldn't be changed. It appears that making such a proclamation in the absence of an actual certification and not conducting public hearings could be seen as purposeful subterfuge to negate any accountability for placing a poorly designed golf course in what has become a densely populated residential zone (R-1-15). It has been used as an excuse to take no actions or set any conditions on the permit recently issued to protect the health and safety of citizens owning property adjacent to the golf course.

- **Facts:**

- If the Chalets are going to make these types of accusations against public servants it better have real and uncontrovertible evidence and bullet proof legal theories. IT HAS NEITHER!
- One of the most offensive parts of my job is to see people accuse public servants of wrong-doing without any basis in fact or law. It is even worse when those same individuals are in possession of facts that prove otherwise that they refuse to read and consider. No one in the Chalets HOA has any right to accuse this City or its employees of "purposeful subterfuge" and to do it baldly and publicly when the facts in their possession prove otherwise.



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- The way we see it, if the golf course was not legally established the Homestead Group would have been required to apply for a variance to the current zoning regulations. This would have required public hearings where the public could have formally provided input on what would be needed for the course to continue to operate safely in a residential zone. If approved, the city would have been required to issue a conditional use permit, again with public hearings, to redevelop the course where specific conditions could be set.

- **Facts:**

- This statement demonstrates the Chalets ignorance of municipal law and Midway City code. Even if the golf course wasn't legally established, we have established the time to appeal the approval has long since run, and even if it hadn't there is no such thing as a use variance. Variances are used to ask for exceptions to things like set-backs, height, etc.. There is no such thing as a variance for use. Either a use is permitted, or permitted with conditions (a conditional use permit), which clearly happened no less than 38 years ago.



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- Because of this, we believe the Planning Department erred in issuing a site disturbance permit for a golf course since there appears to be significant evidence on the record that golf course was not legally established as a nonconforming use when first constructed in 1989 follows:



- **Facts:**
- **There is no evidence on the record that the golf course was not legally established. In fact, the Chalets has uncontrovertible evidence it was legally established, and has chosen to bring this appeal without any basis in law or fact.**

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- 1. Ordinance 87-4 (December 3, 1987) was passed to create an R-5 zone to accommodate a golf course, but it was signed by the city Recorder rather than the Mayor invalidating the ordinance. **Chalets cites to no legal authority that having the Recorder sign instead of the mayor invalidates the ordinance. There is nothing in the record that would suggest this is actual law or that after 37 years any court anywhere would find that the ordinance is invalid.**
- 2. Ordinance 87-4 does not explicitly specify a golf course as a permitted, conditional or other use in the R-5 zone. **It doesn't have to because the golf course was already approved under the prior zone.**
- 3. Ordinance 87-4 does not approve or include reference to a zoning map making it impossible to implement a construction permit for a specific location. **This ordinance was not the basis for the approval.**
- 4. No evidence that the 1990 zoning map was approved by separate ordinance. Without an approved zoning map, a construction permit could not have been issued. **Again, absolute conjecture without any basis or citation to law.**



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- 5. Ordinance 87-3 (April 3, 1987) does not list a golf course as a permitted, conditional or other use in the R-4 or R1-A zones. **The City Council specifically addressed this issue on October 5, 1987 and found that the golf course was similar enough to other conditional uses to be allowed to move forward with an application for a conditional use permit which was granted on November 5, 1987.**
- 6. The 1990 zoning map is dated January 1990 and the construction began in 1989 so it couldn't have been used for permitting purposes. **See below.**
- 7. There is no evidence that a written building permit was issued by Midway City for the construction of the golf course. **Building permits are not required for landscaping.**



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- Simply put, if the golf course was never legally established, it cannot be considered a nonconforming use now. Current zoning code prohibits golf courses in the R-1-15 zone. We request Midway City withdraw the current Site Disturbance Permit, suspend all work, and require that the Homestead Group apply for a variance to allow the golf course to be redeveloped within the current zoning. Once approved, the city should require that the course be permitted using a conditional use permit where the city will be required to conduct public hearings and establish conditions to mitigate the effects of operating a narrow golf course in a well-developed residential area where the use is prohibited because of the negative effects on people and property.
- **Facts:**
- **This is so ill-informed and non-sensical as to not require response. I have already shown how this has no basis in Utah Law or Midway City law.**



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- We request that if legal counsel is required, that the City not use Gordon Law Group (Midway’s usual city attorney), since the firm has exhibited a strong negative bias against Chalets on the Creek HOA president Norm Henderson. In addition, Mr. Henderson was told by Ben Shakespeare in February that he already had had several ex parte conversations with Corbin Gordon regarding the site disturbance permit without the planning department representatives in attendance.
- **Facts:**
- **There is no conflict. First, Mr. Henderson has misrepresented his conversation with Mr. Ben Shakespeare regarding his conversation with him, and has done so for his own benefit. Mr. Shakespeare has never had a conversation with Mr. Gordon outside of meetings with Planning staff, and never told Mr. Henderson he did so. I won’t call this an outright lie, but there is no basis for this allegation.**
- **Next, Mr. Gordon represented a party adverse to Mr. Henderson and did not show any negative bias towards Mr. Henderson beyond arguing forcefully against what he felt were weak and ill-formed legal arguments. Doing my job does not create a conflict.**
- **I would advise the counsel to make a finding that there is no conflict and move forward.**



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- There is no basis in law or fact to grant this appeal
 - The appeal is untimely
 - The facts clearly show the golf course was approved legally



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APPROVAL DOCUMENTS

Minutes of Midway City Council meeting held October 1, 1987 at 8:00 p.m. in the Council Chambers of the Municipal Office Building. Notice of the meeting and agenda was posted in the City Office, a copy mailed to the Wasatch Wave and to each of the Council Members.

Roll Call - Welcome - Prayer

Mayor Eugene K. Probst, Dennis Clegg, Leo Luke, Rick Tatton, Grant Shelton, Alan Giles, Recorder Shirley Chatwin
Also Present: 20 Citizens

Welcome was made by Mayor Probst.

Prayer: Leo Luke

Approval of Minutes

Minutes of the September 10, 1987 approved by motion of Rick Tatton, seconded by Grant Shelton, all in favor.

Town Hall Supervision

Councilman Clegg in charge of buildings reported that the Boosters Club had some suggestions for better supervision during activities in the hall.

Marge and Fran Anderson suggested using volunteers for supervision. Connie Tatton suggested to the Boosters Club that an up stairs room be used for a nursery during games and other activities.

Fran Anderson mentioned that rent money from rent of the hall and deposits might be used for hiring supervisors, more like a custodian.

Dan Johnson, Activity Chairman for the stake was present. The Council pointed out to Mr. Johnson some minor vandalism. The Council suggested that the stake have someone attend activities for supervisory pupose.

Marge Anderson commented that the older fellows using the hall also needs supervision.

Rick Tatton suggested that the police officers check on the building. Other comments: If the church is going to use the hall they should be responsible.

Dan Johnson agreed to get a list of supervisors to the Recorder for the nights that the church is using the hall.

In response to earlier comments the Council was in favor of volunteers but felt that it wouldn't last long before individuals would get tired of it. The Mayor informed the Boosters that the city could not take on the liability for having a nursery upstairs.

The money collected from rent of the hall is already in the budget as anticipated revenue to help with utility and other building costs.

Scott Loertscher - Water

Scott Loertscher is considering purchasing a lot located on the corner of Burgi Land and Pine Canyon Road. He inquired about the possibility of getting water extended to the property. Council informed him that the 2" line extended by Bryant Anderson already has 4 connections on it. The City does not have funds to extend the line so it would be his responsibility to go to the source and extend it himself.

Golf Course

The Homestead group informed the Council of plans to build an 18 hole golf course that will mainly be in the Snake Creek area from Carrie Lane to 200 North.

Details of easements from property owners, additions to the Homestead, etc. was explained.

Alan Giles suggested a master plan of the area be prepared for density purpose.

Lemuel Stroud commented that there was too many private owners involved and that the City would have the say as to what is constructed.

The group ask that the Council declare the golf course to be a similar use as those in the R1-A and R-4 Zones and that it be under conditional use, as recommended by the City Planning Commission.

After due consideration, Grant Shelton moved that the Council take a week to think about it and call a special meeting for a decision.

The special meeting was set for October 7, 1987 at 7:00 p.m. The Recorder was ask to invite the Planning Commission.

Several Citizens and property owners in attendance commented favorably about the proposed golf course.

Lyle Gertsch questioned secrecy of the meetings and plans.

Dale Berg explained procedures in obtaining permission to proceed and that there would be public meetings held.

Beer Licenses and Bonding Requirements

Nielson's Store and Mt. Spa have not complied with the Beer Ordinance and given a bond in the amount of \$2,000. Council directed the Recorder to write a letter allowing 30 days in which to be bonded or the beer license would be revoked.

Stringtown Water Users

Dale Berg has prepared a quick claim deed for Stringtown Water Users relinquishing any rights that they may have in Indian Springs to Midway City as part of the previous agreement with the City to accept the Stringtown Water Line. A correction will be made in the description before the Recorder has the association sign and return to the city. Mr. Berg had advised the city that after they have received the quick claim deed the line can then be accepted by the city by Council motion.

Departmental Reports

Rick Tatton: Water tank holding up. He approved having Don Huggard fix the Howard Bodily line. He will ask Don if it was on the main line.

Alan Giles: Ask the Recorder to check minutes and determine what the decision of the Council was when Joy Osborn requested a water hook-up on the same property that Scott Loertscher was interested in.

Dennis Clegg: The heritage quilt has been mounted in the frame in the Council Chambers.

Leo Luke: Ask about getting signs for cemetery with arrows. One to be placed near Alma Durtschis' house and one at 500 South.

Council was favorable. Leo will follow through and order the signs.

Grant Shelton: Grant has talked to the city maintenance supervisor about purchasing a sander. Tesco has one for \$6,500. They will check other places.

Warrant List - Adjourn

The warrant list was presented and approved for payment by motion of Alan Giles, seconded by Dennis Clegg, all in favor.

Meeting adjourned by motion at 10:00 p.m.

Minutes of Midway City Council meeting held October 5, 1987 at 8:00 p.m. in the Council Chambers of Midway City Office Building, as a continuation of the October 1st, meeting. Meeting date changed from October 7th, due to a conflict with the Mayor. Notice was given to the City Council, October 3rd, by telephone, the Wasatch Wave correspondent informed by phone also. The Homestead Group informed, change also posted in the City Office Building.

Roll Call - Prayer

Mayor Eugene K. Probst, Alan Giles, Rick Tatton, Grant Shelton, Dennis Clegg, Leo Luke, Recorder Shirley Chatwin
13 citizens present

Prayer: Dennis Clegg

Purpose of Meeting - Golf Course Proposal

Purpose of the meeting was to make a decision on the proposal before the Council to declare a golf course a similar use as those permitted under conditional use in the R1-A and R-4 Zones.

Discussion followed on probable developments around the golf course. The promoters commented that it should be primarily single family homes, cluster homes and town houses.

Alan Giles expressed his concerns an inviromental impact statement should be required.

Comments: Jerry Sanders of the Homestead should impose restrictions on the title which will control good growth. Jerry responded that they would do everything within their power to have a good development.

Dan Johnson stated id we don't have some growth we will be stifled. The city couldn't come up with anything better than a golf course.

Dennis Clegg moved that a golf course be declared to be of a similar use as those permitted under conditional use in R1-A and R-4 Zones, seconded by Grant Shelton. Roll Call Vote: Leo Luke, aye; Dennis Clegg, aye; Grant Shelton, aye; Alan Giles, Naye; Rick Tatton, aye.

Canvas Votes - Primary Election

Tuesday, October 13th, at 7:00 p.m. was set as a time to canvas the votes from the primary election.

Meeting adjourned by motion at 10:30 p.m.

Grant Shelton: Grant has talked to the city maintenance supervisor about purchasing a sander. Tesco has one for \$6,500. They will check other places.

Warrant List - Adjourn

The warrant list was presented and approved for payment by motion of Alan Giles, seconded by Dennis Clegg, all in favor.

Meeting adjourned by motion at 10:00 p.m.

Minutes of Midway City Council meeting held October 5, 1987 at 8:00 p.m. in the Council Chambers of Midway City Office Building, as a continuation of the October 1st, meeting. Meeting date changed from October 7th, due to a conflict with the Mayor. Notice was given to the City Council, October 3rd, by telephone, the Wasatch Wave correspondent informed by phone also. The Homestead Group informed, change also posted in the City Office Building.

Roll Call - Prayer

Mayor Eugene K. Probst, Alan Giles, Rick Tatton, Grant Shelton, Dennis Clegg, Leo Luke, Recorder Shirley Chatwin
13 citizens present

Prayer: Dennis Clegg

Purpose of Meeting - Golf Course Proposal

Purpose of the meeting was to make a decision on the proposal before the Council to declare a golf course a similar use as those permitted under conditional use in the R1-A and R-4 Zones.

Discussion followed on probable developments around the golf course. The promoters commented that it should be primarily single family homes, cluster homes and town houses.

Alan Giles expressed his concerns an inviromental impact statement should be required.

Comments: Jerry Sanders of the Homestead should impose restrictions on the title which will control good growth. Jerry responded that they would do everything within their power to have a good development.

Dan Johnson stated id we don't have some growth we will be stifled. The city couldn't come up with anything better than a golf course.

Dennis Clegg moved that a golf course be declared to be of a similar use as those permitted under conditional use in R1-A and R-4 Zones, seconded by Grant Shelton. Roll Call Vote: Leo Luke, aye; Dennis Clegg, aye; Grant Shelton, aye; Alan Giles, Naye; Rick Tatton, aye.

Canvas Votes - Primary Election

Tuesday, October 13th, at 7:00 p.m. was set as a time to canvas the votes from the primary election.

Meeting adjourned by motion at 10:30 p.m.

Minutes of a special meeting of Midway City Council held October 13, 1987 at 7:00 p.m. in the Council Chambers of Midway City Office Building.

Notice of the meeting and agenda was posted in the City Office, a copy mailed to the Wasatch Wave and to each of the Council Members.

Roll Call

Councilmen: Grant Shelton, Leo Luke, Rick Tatton, Dennis Clegg, Alan Giles, and Recorder Shirley Chatwin.

Canvas Votes Primary Election

Purpose of the meeting was to canvas the votes from the October 6, 1987 primary election.

The tally lists from Districts 7, 8-13, were checked and found to be accurate.

Grant Shelton moved that the following vote be accepted: Michael Bronson, 140; Jean D. Brown, 65; Dennis A. Clegg, 116; Les Corbett, 102; John M. Fletcher, 16; Alan N. Giles, 57; Richard Nielson, 195; Grant Shelton, 173; Dorothy Van Wagoner, 160; seconded by Rick Tatton, all in favor.

Fee for election judges and registration agents was set at \$50.00 per day.

General Election - Canvas Votes

Date for the canvas of votes for the general election will be November 5, 1987 at 6:45 p.m.

Meeting adjourned by motion at 7:15 p.m.

Minutes of Midway City Council meeting held November 5, 1987 at 6:45 p.m. in the municipal office building. Notice of the meeting and the agenda was posted in the City Building, a copy mailed to the Wasatch Wave and to each of the Council Members.

Roll Call

Mayor Eugene K. Probst, Leo Luke, Dennis Clegg, Grant Shelton, Alan Giles, and Rick Tatton, Recorder Shirley Chatwin, and City Planner Randy Deschamps.

Canvas Votes - General Election

Purpose of the early meeting was to conduct the canvas of the November 3, 1987 General Election.

The official tally sheets were examined by the Council to determine accuracy. All totals appeared to be accurate. Alan Giles moved that the canvas of the official tally be accepted, seconded by Grant Shelton, all in favor.

Total votes recorded for candidates showed the following results: Micheal L. Bronson 236; Dennis A. Clegg 210; Les Corbett 168; Richard Nielson 267; Grant Shelton 271; Dorothy Van Wagoner 250.

The three candidates with the most votes being Grant Shelton, Richard Nielson and Dorothy Van Wagoner will take office in January for a four year term.

Regular Meeting - Prayer

Mayor Probst called the regular meeting to order at 7:00 p.m. and welcomed everyone.

Prayer: Dennis Clegg

Approval of Minutes

Minutes of the October 1st, 5th, and 13th, meetings approved as mailed by motion of Dennis Clegg, seconded by Rick Tatton, all in favor.

Beautification Plan

Sherry Omans, representing Midway Boosters Club on the beautification committee discussed a master beautification plan that would include planting of trees and flowers in the area of Burgi Lane and River Road, and along some of the city streets.

Some contacts with the Kohler family indicated that there may be a problem in providing water for the intersection of Burgi Lane and River Road.

Mrs. Omans said that they would need public support along the streets and Council support to put their program into effect. The Boosters will be trying for the "Tidy Town" award next year.

Marge Anderson presented Grant Shelton with a certificate of merit and Mayor Probst with a plaque for beautification of the town square.

Mrs. Anderson ask about planting trees around the new building.

Rick Tatton responded by saying that the building was more attractive without the trees.

Mrs. Anderson also informed the Council that Gary Coleman has offered his service for landscaping.

Fran Anderson has offered to do some mowing along the streets if the City has the equipment.

The City does not have this type of equipment. Grant Shelton was using his own tractor and mower when he mowed along the streets in the past.

Council suggested to the Booster representatives that they meet with the Irrigation Company in an effort to get the ditch banks cleaned up after ditch cleaning each spring.

Mrs. Anderson ask about getting additional electrical poles put in so that Christmas lights could be strung across main street in more locations.

Mayor Probst informed her that poles cannot be installed along a state highway without state approval. Heber Light and Power would also need to give approval and install.

Christmas Festival

Mrs. Anderson requested that the Council allow the Boosters Club to use the hall free of charge for their Christmas event scheduled for December 5, 1987.

Council agreed since the Boosters Club is a non-profit organization.

Chamber of Commerce

The Heber Valley Chamber of Commerce presented a 3-year marketing work program.

The plan presented by Leslie Blackbird determined the market and assets in the County.

The recommended budget showed contributions from Wasatch County and Heber City in the amount of \$6,000. each per year and Midway City \$3,000. per year.

Council comments was that the City does not have this amount in this years budget.

Law Enforcement

Sheriff Edd Thacker scheduled on the agenda for a report was not in attendance.

Micheal Bronson, citizen, commented that citizens want more police protection.

The City Council will study the situation before the end of the contract year.

Recommendations of the Planning Commission - Golf Course - R-5 Zone

In two Planning Commission meetings held during the month of October, the Commission prepared the following recommendations concerning the proposed golf course in the area of the Homestead.

Item 1:

There was a request to approve a conditional use permit for a golf course. The Commission recommended approval of the conditional use permit based on the following conditions:

1. That all necessary easements and legal agreements from participating property owners be obtained and submitted to the City Planner prior to any construction being started. This would include provisions for street access to landlocked properties located in the south area of the golf course.
2. That the access between the golf course on the west side of Homestead Road and the area of the course on the east of Homestead Road be resolved.
3. That annexation take place of the area west of Homestead Road currently not in the City limits.

Item 2:

As a result of the review of the golf course, the Commission created and recommends to the City Council a new zoning district. The new would be titled the Recreational/Residential 5 Zone or R-5. The object of the zone is to create the type of housing and development that a golf course could justify. A summary of the provisions of the new zone would include single family housing being encouraged, multiple housing being permitted only when mixed with single family housing, and the size of multiple family housing buildings (both height and numbers of units in a building) being reduced.

It was recommended that a public hearing be set to consider and give discussion to the adoption of the new zone.

Randy Deschamps reviewed the recommendations and the R-5 Zone.

Grant Shelton moved that the City grant the conditional use permit with requirements listed by the Planning Commission, seconded by Dennis Clegg. Roll Call Vote: Dennis Clegg, Grant Shelton, Leo Luke, Aye. Rick Tatton, Alan Giles, Nay.

Public Hearing

A hearing for public input on the R-5 Zone was set for December 3rd, 1987 at 6:00 p.m.

Petition for Annexation

Dale Berg presented a petition for annexation for Clark and Condie property. Plat included; a check in the amount of \$4,543.00 has been received by the City as an annexation fee.

Grant Shelton moved that the petition be accepted and assign the Planning Commission along with Planner, Randy Deschamps, to prepare an annexation declaration policy and make recommendation to the City Council for further action, seconded by Leo Luke. Roll Call Vote: Aye, Leo Luke Dennis Clegg, Grant Shelton; Nay, Rick Tatton, Alan Giles.

Business License Application

Council reviewed the application of Gary Kummer for a building contractor license. Grant Shelton moved that the application be approved, seconded by Alan Giles, all in favor.

Town Hall Use

City Council resolved to limit the use of the Town Hall to local residents and require those out of the City to have a local sponsor.

Cleaning deposit was raised to \$50.00.

Zoning Administrator

Dale Berg resigned his position of Zoning Administrator for the City due to the fact that he is working for the Homestead Group and this could cause a conflict of interest.

Council ask if he would continue with the City and exclude the golf course project. This was acceptable with Mr. Berg.

The Council named Randy Deschamps to act as zoning administrator for the golf course project.

Christmas Party

The Christmas Party was set for December 18th, 1987 at 7:00 p.m. John Fletcher has not responded as to whether or not he will provide the program. Dennis Clegg will follow through and line up another program if Fletcher isn't going to present one.

City Social

The annual City Social set for November 21, 1987 in the Midway Third Ward Chapel at 7:00 p.m.

Mayor Probst will arrange the dinner and Shirley Chatwin will get a program.

Departmental Reports

Rick Tatton: The water meter at Swiss Oaks is not working yet. Rick has talked to Don Huggard, Maintenance Supervisor, and he ask about who would be responsible for the meters when the City accepts the Stringtown water line.

Alan Giles: The City needs to be looking at a new garbage truck in the near future.

Grant Shelton: The City crew has cleaned up the lane behind the Fugate property. Grant wants them to also clean up around the shop. Mayor Probst pointed out the need for a shed at the old treatment plant.

Leo Luke: Ask if there was anything the City could do to correct the problem of water running from the piles of snow in the winter months and going across the street and filling up the Winnie Van Wagoner lot.

Since it is a state road problem Leo was advised to get ahold of Gail Buhler.

Warrant List - Adjourn

Alan Giles moved that the warrant list be approved for payment, seconded by Grant Shelton, all in favor.

Meeting adjourned at 10:00 p.m. by motion.

Minutes of a Public Hearing held December 3, 1987 at 6:00 p.m. in the Council Chambers of the municipal office building. Notice of the hearing was published in the Wasatch Wave, posted in the City Office and a notice mailed to each of the Council Members.

Roll Call and Prayer

Mayor Eugene K. Probst, Grant Shelton, Leo Luke, Dennis Clegg, Alan Giles, Recorder Shirley Chatwin, and Planner Randy Deschamps.

Absent: Rick Tatton
Citizens Present 50

Prayer: Grant Shelton

Zone - 5

Purpose of the hearing was to hear public consideration to the recommendation of the Planning Commission to amend the Zoning Ordinance and map by adding an R-5 Zone. The new zone would replace the R-4 and R1-A in the North-West part of the City.

Planner Randy Deschamps explained that the main objective in adding the new zone was to control the development around the proposed golf course.

Joe Tesch and David Wilson spoke in favor of allowing RV parks in the zone.

Tom Kadlec, commented on a number of matters related to zoning, asking if the Planned Unit Development code allowed convenience centers and if the R-5 was part of the Master Plan.

Reed Bezzant ask why the City abandoned restrictions on Snake Creek. Council explained the amendment to the zoning ordinance several years ago during the years that Reed served on the Council that A-3 was deleted. The same restrictions requiring an environmental impact statement is still in effect.

Lyle Gertsch ask if there would be an attempt to condemn property on Pine Canyon Road. Answer: Improvement of streets would come when some development was proposed.

Larry Bonner ask if R-5 would still be in effect if for some reason the golf course wasn't built. Answer: Yes.

Nancy Kadlec commented that the golf course would make property taxes go up.

Adjourn

Meeting adjourned by motion at 7:00 p.m.

Minutes of Midway City Council regular meeting held December 3, 1987 at 7:00 p.m. in the City Office Building. Notice of the meeting and agenda was posted in the City Office, a copy mailed to the Wasatch Wave and to each of the Council Members.

Roll Call

Mayor Eugene K. Probst, Alan Giles, Grant Shelton, Leo Luke, Rick Tatton, Dennis Clegg, and Recorder Shirley Chatwin.

Approval of Minutes

Minutes of the November 5, 1987 meeting approved by motion of Dennis Clegg, seconded by Leo Luke, all in favor.

Joyce Craig - Water

Joyce Craig met with the Council in regards to overage charges during the summer. She felt that something was wrong because she didn't think she used that amount of water. Superintendent Don Huggard has checked the meter and there isn't a leak and meter readings were consecutive in numbers. The matter was referred to Councilman Tatton to work something out.

Water Study

David Wilson explained a water study project that is underway to computerize the water base in the valley. Information from the study will be valuable to cities, county, irrigation companies, Central Utah Water Users and others.

Mr. Wilson ask that the City participate in the study with a commitment of \$5,000.

Alan Giles moved that the City give their support to the project and suggested that the Mayor get together and work out a plan. Midway's contribution could come out of next years budget, seconded by Dennis Clegg, all in favor.

Letter of Protest

Grant Shelton read a legal notice in the Wasatch Wave in the matter of an application to the state engineer filed by Supera, to appropriate water from a tributary to the Provo River through an underground water tunnel.

Grant Shelton moved that the City file a written protest to the state engineer, seconded by Dennis Clegg, all in favor.

The Recorder will contact Attorney Jim Smedley to draw up the protest.

Heber Light and Power Agreement

Ed Felsing, of Zions Nationa Bank, met with the Council to discuss a refinancing plan and changes in the Interlocal Agreement.

Resolution #87-7 Authorizing and approving the amendment of it's Interlocal Agreement regarding Heber Light and Power; approving and authorizing the refunding of Midway City, Utah Electric Utility Revenue Bonds, Series 1981 by the issuance of Heber Light and Power Company to refinance bonds, and related matters.

Dennis Clegg moved that the resolution and agreement be approved. The approval permits Heber Light and Power Board to act on behalf of the 3 cities involved to refinance the bonds, if the savings are sufficient, seconded by Grant Shelton, all in favor.

Business License - Tim Fout - Ruth Olson - Kim Van Wagoner

The business license application of Tim Fout for a cabinet installing business; George and Ruth Olson, gift shop; Kim VanWagoner, Karate lessons, were approved by motion of Alan Giles, seconded by Grant Shelton, all in favor.

Planning Commission Appointment

Mayor Probst appointed Grant Shelton to the Planning Commission to replace Alan Giles who has resigned.

Midway Sanitation District Representative

Alan Giles moved that Mayor Probst be reappointed to the Board of Trustees, Midway Sanitation District, seconded by Dennis Clegg, all in favor.

Fire Board

Dennis Clegg moved that Mayor Probst be appointed to the Heber Valley District Fire Board, seconded by Leo Luke, all in favor.

Land Fill Board

Alan Giles presented a motion that Grant Shelton be appointed to the Wasatch County Land Fill Board, seconded by Leo Luke, all in favor.

R-5 Zone

After having a public hearing and listening to citizens comments the Board gave consideration to an amendment to the Midway Zoning Ordinance #87-4 adding an R-5 Zone.

Alan Giles moved that the R-5 Zone be approved with R V Parks and Mobile Homes included under other uses, seconded by Grant, all in favor.

Zoning Map

Rick Tatton moved that the boundary for R-5 Zone be continued until next month. Motion died for lack of a second.

Dennis Clegg moved that zoning map showing the new R-5 Zone be approved as recommended by the Planning Commission, seconded by Grant Shelton. Roll Call Vote: Aye Leo Luke, Dennis Clegg, Grant Shelton. Naye: Rick Tatton; Abstained: Alan Giles

Law Enforcement

Council discussed some of the complaints they have had about the police protection coverage we have been receiving. After due consideration of the program and cost of going back to having our own officer, Rick Tatton made

a motion that the City advertise for an officer. Motion died for lack of a second.

Sheriff Edd Thacker met later with the Council to give a report and some of the public complaints was aired. He agreed to change his schedules which would give high visibility during day light hours. They will still address night time calls.

Mayor Probst ask that the sheriff or one of the officers give a monthly report at the Council meetings as well as a written report.

Alan Giles expressed appreciation to the County for the service they have given.

Golda Allen

Mayor Probst reported that Golda Allen had fallen on the sidewalk near her home and was claiming that the City was at fault. Hospital bill was \$400.00, advise from the insurance company was to avoid paying since it would appear that the City accepted the responsibility. Bryce McQuin, Attorney for Risk Management, said if she walks that sidewalk all the time she should be aware of an uneven area.

Rick Tatton moved that the City pay the \$400.00 bill. Motion died for lack of second.

Candy Bagging

Date set for bagging candy was December 14, 1987 at 6:30 p.m.

Chamber of Commerce

Representative of the Chamber ask support from Midway in a study that is being made by Utah Transit Authority for services in the county and would connect with the Park City line.

Dennis Clegg made a motion that the Mayor sign the support letter, second by Alan Giles, all in favor.

Departmental Reports

Rick Tatton: Discussed loss of First Security Bank. City needs to try and get a new bank in here.

Rick also reported that Don Huggard had repaired the valve at the water tank.

Grant Shelton: Don needs strobe lights for the snow plowing equipment. Cost will be approximately \$135.00.

Dennis Clegg: Marilyn Urry is putting on the Christmas program. It will be December 18th.

The Heritage quilt frame needs to have some scollops around it.

Leo Luke: Suggested using toilets at the cemetery that can be pumped.

Leo suggested a \$50.00 Christmas bonus for the employees. Grant Shelton moved that this bonus be approved, second by Alan Giles, all in favor.

Warrant List and Adjourn

Bills were presented and approved for payment, motion of Alan Giles, seconded by Rick Tatton, all in favor.

Meeting adjourned by motion at 9:30 p.m.

Minutes of Midway City Council meeting held April 7, 1988 at 7:00 P.M. in the Council Chambers of the City Office Building. Notice of the meeting and agenda was posted in the City Office, a copy mailed to the Wasatch Wave and to the Council Members.

Roll Call - Prayer

Mayor Eugene K. Probst; Council Members: Leo Luke, Richard Nielson, Dorothy Van Wagoner, Grant Shelton, Rick Tatton; Recorder, Shirley Chatwin.

Others in Attendance: Larry and Ellen Bonner, Alan Neerings and his Scout Troup, Fran Anderson

Prayer: Leo Luke

Approval of Minutes

Minutes of the March 3, 1988 meeting approved by motion of Richard Nielson, seconded by Rick Tatton, all in favor.

Requests for Water Hook-ups

Mr. and Mrs. Joel Kohler and Randall Probst requested that the moritorium on water hook-ups outside the City limits be lifted and allow them to have a hook-up.

The Kohler request was for a lot South of Bill Muse and the Probst request was on the Stringtown line.

The Council denied the requests due to problems it would create.

R-5 Zone

Consideration was given to adoption of Ordinance #88-2 which amends the existing R-5 Zoning District to exclude the uses of Mobile Home Parks and Recreational Vehicle parks.

Rick Tatton made a motion that Ordinance #88-2 amending the R-5 Zone be approved, seconded by Grant Shelton. Roll Call Vote: Aye, Rick Tatton, Grant Shelton, Richard Nielson, and Leo Luke. Nay, Dorothy Van Wagoner

Richard Nielson suggested that the Planning Commission be directed to seek out an area in the City where mobile homes and RV's could fit in.

Business License - Lewis

An application from Steven F. Lewis was reviewed. Mr. Lewis requested a business license to act as a fishing guide and to sell fishing accessories, using his home on East Main Street as a business. Council questioned what the accessories included. Since this business would be treated as a home occupation there could be no selling or repair of boats.

The application was tabled until next month in order to get more details.

Huber Growth Committee

Marie Dalgleish, representative of the Huber Growth Committee requested a letter of support from the City in their effort to get the old Huber home

and other buildings located in the State Park on the National Historic Register.

Richard Nielson made a motion supporting the proposal and further moved that a resolution be wrote requesting that the Huber Ranch Grove be established, preserved, protected and developed at its present location as an historical site, seconded by Leo Luke, all in favor.

Advertisement for Auditor

Rick Tatton moved that the City advertise for bids for an auditor for the 1987-88 fiscal year, seconded by Richard Nielson, all in favor.

Vault

Discussion on building a vault in the basement of the new office building. Leo Luke will get some costs together for the next meeting. The Recorder will call a safe company and have them look at the old vault door to see if it is feasible to use it.

Kitchen in Old Council Room

Several civic groups have requested that the kitchen cabinets, sinks, and range be put back in the social room of the town hall. Leo Luke moved that the kitchen be restored, seconded by Dorothy Van Wagoner, all in favor.

Bond - Proposed Golf Course

Council resolved to require a bond on the development of the proposed golf course. Grant Shelton moved that Lee Wimmer, City Engineer, should check the plans and recommend a bond amount, seconded by Leo Luke, all in favor.

Resolution #88-2 - Development Fees

A resolution changing some of the fees required of developers and for site plans was reviewed and approved by motion of Rick Tatton, seconded by Grant Shelton, all in favor.

Boosters

Connie Tatton, President of the Boosters Club, discussed a number of items:

1. Nathan Brown would like to do an Eagle project of painting street sign posts and straightening them. Connie ask how the Council wanted to handle it. Advised to work with Department head.

2. Boosters would like a permanent place for the Gazebo. Boosters will pay for a cement pad.

Council required that it be back 60 feet. Work with Don Huggard and Leo Luke on the placement.

3. Need to have Heber Light & Power do some work. 3 transformers are needed for the demor system they have purchased.

4. Harold Remund and the High School boys have their project nearly completed.

Departmental Reports

Richard Nielson reported vandalism at the cemetery. Several monuments have been broken. The Sheriff's Office is investigating. Richard Nielson will get the City crew to work on the sidewalks as soon as they can get time.

Leo Luke presented a list of rules for playing ball in the town hall. Also discussed the need for a sign in front of the office building.

The Mayor pointed out that a bronze plaque should be purchased and have the names of those in office at the time the building was constructed.

Rick Tatton moved that the purchase of a sign and the bronze plaque be approved, seconded by Leo Luke, all in favor.

Fran Anderson will bring a copy of the design for the signs being placed at the entrances of the City.

Leo Luke commented about the problem with garbage that is being left at the shelter and hall after it is rented. Dogs scatter it around. No solution was offered.

Dorothy Van Wagoner commented Don Huggard hasn't reported any water problems.

Grant Shelton reported on the County Land Fill Committee. At present they are checking out the possibilities of hauling the garbage to Utah County or the Weber burn plant. They will meet again on April 13th.

Discussed the condition of the road in Midway Farms area. The City will need to take a look at putting in a drain and replacing some sections of the road.

Warrant List - Adjourn

A warrant list was presented and approved for payment, motion of Rick Tatton, seconded by Grant Shelton, all in favor.

Meeting adjourned at 9:45 P.M. by motion.



Midway

September 15, 2025

Ben Shakespeare
The Homestead Group LLC
2696 University Ave Suite 201
Provo, Utah 84604

Re: The Homestead Golf Course Improvements
Site Disturbance Permit

Dear Ben:

This letter serves as the site disturbance permit for The Homestead Golf Course Improvements. Please post a copy of this letter at your construction site trailer and provide a copy to any contractors that will be working on the golf course improvements.

Permit Conditions

The site disturbance permit is issued with the following conditions:

1. A copy of the SWPPP permit filed with the State of Utah should be provided to Midway City by the contractor.
2. SWPPP signs should be posted on Lime Canyon Road, Homestead Drive and Pine Canyon Road near construction entrances.
3. No fill material shall be placed in wetland areas. The golf course shall not be expanded into any wetland areas.
4. No cut, fill or grading is allowed in the 100-year floodplain. The contractor shall install a construction fence, silt fence or provide stakes that show the limits of the 100-year floodplain.
5. Trees shall be removed and replaced as noted on the approved plans.
6. Plans dated September 15, 2025, that have been stamped approved by the Midway City Engineer should be used to construct the project.
7. The Midway City Engineering Inspector will periodically review the site to ensure compliance with permit conditions.

Project Background

The following project background is provided to assist neighboring property owners and other groups that may be interested in the golf course improvements, and the site disturbance permit process.

Chapter 12.07.020.A of the Midway City code requires a site disturbance permit before any person or entity may landscape, excavate, grub and clear, grade or perform any type of construction activity that will disrupt or cause a change in the natural landscape or increase impervious surfaces upon any parcel of property located in the city.

An application for a site disturbance permit for the golf course improvements was submitted to Midway City on August 13, 2025, by Berg Engineering.

On September 2, 2025, review comments regarding the golf course improvements plans were provided by Michael Henke, Planning Director, in an email sent to Berg Engineering.

On September 3, 2025, a site meeting was held to review the proposed golf course improvements and the existing trees that will be removed. Attendees that toured the golf course included:

- Celeste Johnson, Mayor
- Craig Simons, City Council
- Michael Henke, Planning Director
- Wes Johnson, City Engineer
- Tex Couch, Building Official
- Kaite Villani, City Planner
- Ben Shakespeare, The Homestead and Shakespeare Development
- Chris Connolly, Homestead Golf Course Superintendent
- Paul Berg, Berg Engineering

On September 4, 2025, review comments from Wes Johnson, City Engineer, were provided to Berg Engineering.

On September 4, 2025, revised plans for the site disturbance permit were resubmitted by Berg Engineering to Midway City for review.

On September 11, 2025, at 10:00 am a meeting was held with Michael Henke, Wes Johnson and Paul Berg to discuss the final review comments for the project.

A preconstruction meeting was held on September 11, 2025, at 3:30 pm. Attendees at the preconstruction meeting included:

Michael Henke, Planning Director
Wes Johnson, City Engineer
Travis Smout, Engineering Inspector
Bridger Snow, Snow Excavation
Kam Porter, Shakespeare Development
Paul Berg, Berg Engineering

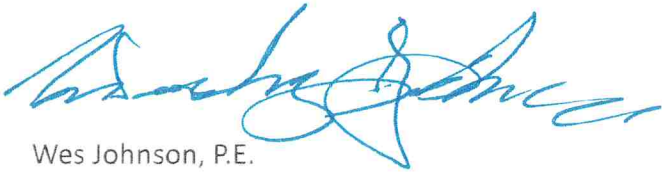
Plans dated September 15, 2025, have been stamped approved by the Midway City Engineer.

We appreciate The Homestead and your cooperation in completing the site disturbance permit process.

Sincerely,



Michael Henke
Midway City Planning Director



Wes Johnson, P.E.
Midway City Engineer

Copy to: Tex Couch, Midway City Building Official
 Bridger Snow, Snow Excavation
 Paul Berg, Berg Engineering



Norm Henderson <nhenderson2179@gmail.com>

APPEAL - Homestead Group LLC Site Disturbance Permit issued September 15, 2025

1 message

Norm Henderson <nhenderson2179@gmail.com>

Tue, Oct 14, 2025 at 5:10 PM

To: "cjohnson@midwaycityut.org" <cjohnson@midwaycityut.org>

Cc: jdrury@midwaycityut.gov, jsimonsen@midwaycityut.gov, csimons@midwaycityut.gov, kpayne@midwaycityut.gov, "mhenke@midwaycityut.org" <mhenke@midwaycityut.org>, wjohnson@midwaycityut.gov, lorme@midwaycityut.gov

CHALETS ON THE CREEK HOMEOWNERS ASSOCIATION
104 EAST 600 SOUTH #843
HEBER CITY, UTAH 84032

October 14, 2025

Celeste Johnson, Mayor
75 North 100 West
Midway City, UT 84049

APPEAL – The Homestead Golf Course Improvements Site Disturbance Permit

Dear Mayor Johnson -

Chalets on the Creek HOA appeals the recent Site Disturbance Permit issued to the Homestead Group LLC by Michael Henke and Wes Johnson on September 15, 2025. Our understanding is that the Midway City Planning Department determined that a Site Disturbance Permit was the appropriate permitting instrument because it believes the golf course was a grandfathered nonconforming use. We appeal this determination because we have found no evidence that the planning department actually evaluated whether the golf course had been legally established in 1989 before issuing the permit last month. We are very surprised that the Homestead Group did not request such a certification before it applied for the site disturbance permit from Midway City since an original building permit for the golf course does not seem to exist. Also surprising is that the city did not require its own certification before issuing the permit or proclaiming to the public that the golf course was an existing use that was grandfathered in and couldn't be changed. It appears that making such a proclamation in the absence of an actual certification and not conducting public hearings could be seen as purposeful subterfuge to negate any accountability for placing a poorly designed golf course in what has become a densely populated residential zone (R-1-15). It has been used as an excuse to take no actions or set any conditions on the permit recently issued to protect the health and safety of citizens owning property adjacent to the golf course.

The way we see it, if the golf course was not legally established the Homestead Group would have been required to apply for a variance to the current zoning regulations. This would have required public hearings where the public could have formally provided input on what would be needed for the course to continue to operate safely in a residential zone. If approved, the city would have been required to issue a conditional use permit, again with public hearings, to redevelop the course where specific conditions could be set.

Because of this, we believe the Planning Department erred in issuing a site disturbance permit for a golf course since there appears to be significant evidence on the record that golf course was not legally established as a nonconforming use when first constructed in 1989 as follows:

1. Ordinance 87-4 (December 3, 1987) was passed to create an R-5 zone to accommodate a golf course, but it was signed by the city Recorder rather than the Mayor invalidating the ordinance.
2. Ordinance 87-4 does not explicitly specify a golf course as a permitted, conditional or other use in the R-5 zone.
3. Ordinance 87-4 does not approve or include reference to a zoning map making it impossible to implement a construction permit for a specific location.
4. No evidence that the 1990 zoning map was approved by separate ordinance. Without an approved zoning map, a construction permit could not have been issued.
5. Ordinance 87-3 (April 3, 1987) does not list a golf course as a permitted, conditional or other use in the R-4 or R1-A zones.
6. The 1990 zoning map is dated January 1990 and the construction began in 1989 so it couldn't have been used for permitting purposes.
7. There is no evidence that a written building permit was issued by Midway City for the construction of the golf course.

Simply put, if the golf course was never legally established, it cannot be considered a nonconforming use now. Current zoning code prohibits golf courses in the R-1-15 zone. We request Midway City withdraw the current Site Disturbance Permit, suspend all work, and require that the Homestead Group apply for a variance to allow the golf course to be redeveloped within the current zoning. Once approved, the city should require that the course be permitted using a conditional use permit where the city will be required to conduct public hearings and establish conditions to mitigate the effects of operating a narrow golf course in a well-developed residential area where the use is prohibited because of the negative effects on people and property.

It should be noted that the Chalets on the Creek is in favor of the Golf Course Redevelopment, but we believe the owners should be held accountable for code violations during construction and take reasonable measures to protect the people and residential properties that are closely packed along it. We request that if legal counsel is required, that the City not use Gordon Law Group (Midway's usual city attorney), since the firm has exhibited a strong negative bias against Chalets on the Creek HOA president Norm Henderson. In addition, Mr. Henderson was told by Ben Shakespeare in February that he already had had several ex parte conversations with Corbin Gordon regarding the site disturbance permit without the planning department representatives in attendance.

Best Regards,

/s/ Norm Henderson

President, Chalets on the Creek HOA

/s/ John Reeves

Secretary/Treasurer, Chalets on the Creek HOA

