

## MIDWAY WATER ADVISORY BOARD

MONDAY April 1, 2019

### MEETING MINUTES

Minutes of the Midway Water Advisory Board meeting held April 1, 2019 at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

#### **Roll Call**

Irrigation Members: Irrigation President/Co-Chairman Steve Farrell, Brent Kelly and Grant Kohler; Midway City: Mayor/Chairman Celeste Johnson, City Councilman Bob Probst, Michael Henke, City Planner. And Jennifer Sweat, Treasurer/Water Advisory Board Secretary.

City Councilman Ken VanWagoner was excused from the meeting

#### **General Consent Calendar**

Mayor/Chairman Celeste Johnson asked for approval of the General Consent Calendar which consisted of:

- a. Approval of the Agenda for April 1, 2019
- b. Approval of the minutes for March 4, 2019

The board reviewed the agenda and minutes. One change was noted on the motion for the General Consent Calendar "Midway Irrigation Member Grant Kohler" be removed.

**Motion: Midway Irrigation Member Brent Kelly made a motion to approve the General Consent Calendar with the one change as listed above. City Councilman Bob Probst 2<sup>nd</sup> the motion. It was carried unanimously.**

Mayor/Chairman Johnson asked if there were further questions regarding this item? There was not

**Motion was carried unanimously.**

#### **Homestead Resort – Steve Eddington**

Mayor/Chairman Johnson stated she wasn't sure who was leading this discussion, Planner Henke stated he had a map that he had been provided (see supplemental file) but didn't have any other detail. Midway Irrigation President/Co-Chairman Farrell stated that he would lead the discussion regarding the water that the Homestead Resort had.

After a lot of research done by several different people, the irrigation company and the Homestead had come to the agreement that the following shares would provide the water needs for the Homestead Resort and Golf Course

1. Midway Irrigation Certificate Number #3988 – 57.50 shares
2. Midway Irrigation Certificate Number #3989 – 3 Shares (Turnberry and Midway City Owned for Course)

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3. Perpetual Lease Shares from Sally Brinton (3), Keith Gertsch (1) Kyle Robertson (2) Cottages on the Green (18.50).
4. Water turned in for Kantons (1.22), The Links (7.50) and Midway Village (.62) that are listed in development agreements, and the City agree upon.
5. 50-year lease with Wasatch State park – 40 shares (28 years remaining)
6. Total shares of 134.34 Midway Irrigation Company Water

It was mentioned that of that 134.34 shares, 104 of those shares are for the Golf Course. The irrigation company felt comfortable with these numbers.

Russ Watts stated that they are working to get the shares, and everything certified so that when the development comes back to the Water Board in May with the small things worked out. Tonight, they are looking for the board to acknowledge the calculations are correct, with knowing they needed to come back with everything certified.

Midway Irrigation President/Co-Chairman Farrell stated that the golf course was created in 1988 and there hadn't been a good handle on the water until now. The company felt comfortable with the calculations.

The board discussed the information presented and reviewed the map which showed land owned by the Homestead and land that was leased. The board felt comfortable making a motion to agree upon the numbers presented tonight.

**Motion: Midway Irrigation President/Co-Chairman Farrell made a motion that we recognize that the Homestead owns 57.5 shares tied up in certificate number # 3788, that they own 3 shares with Midway City/Turnberry in certificate number #3989, they have 33.84 shares in perpetual leases, they have a 40 share lease with the State of Utah that has a 50 year term, with 28 years remaining, which gives them a total amount of shares leased as 73.84 shares, and combined with the ownership shares they have a total of 134.34 shares of water available for their project. The board does make one condition that with the Sally Brinton, Keith Gertsch and Kyle Roberston lease that an arrangement with the owner of the share/The Homestead put on the share certificates, so that if they are presented to the irrigation company for transfer at any point of time they will need to have both signatures to have that done. We would also need some way of recognizing the 18.50 shares in the name of Cottages on the Green as perpetual lease for the golf course, because a lot of their land is in the golf course. City Councilman Bob Probst seconded the motion.**

Mayor Johnson stated that as a point of clarification that the burden of proof was on the applicant, and not the City was that correct? Midway Irrigation President/Co-Chairman Farrell stated yes this is correct.

Midway Irrigation President/Co-Chairman asked if there was any question regarding the lease with the Kanton's, Links and Midway Village which was included in the perpetual leases' calculations? Treasurer/Secretary Jennifer Sweat indicated there was not, all documentation indicated that the numbers presented tonight were correct.

Mayor/Chairman Johnson again asked if there were further questions regarding this item? There was not.

**Motion was carried unanimously for Recommendation to City Council.**

Russ Watts thanked the Water Advisory Board and stated they would be back next month with more details. Treasurer/Secretary Jennifer Sweat asked to get a copy of the water shares listing.

**Saddle Creek Subdivision – 250 West 970 South**

Michael Henke, City Planner presented the following regarding this property

1. 31.99 acres
2. R-1-22 zoning
3. Proposal contains 36 lots
4. 0.5 acre minimum
5. 19.32% open space (6.18 acres)
6. Public Roads
7. The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line and Midway Irrigation Company's secondary water line.

Planner Henke gave the following information regarding the project:

- Recorded Plat – Recorded on September 5, 2007
  - 34.35 acres
  - Planned Unit Development
  - 57 building pads
  - 50% open space (17 acres)
  - Private Roads
- Concept Plan
  - 31.99 acres
  - Large-scale standard subdivision
  - 36 lots
  - 0.5 acre minimum
  - 19.32% open space (6.18 acres)
  - Public Roads
- Water Board reviewed on April 2, 2007
  - 57 units
  - Clubhouse and Pool
  - 17 acres of irrigated land
  - Tendered to Midway City on September 3, 2007 109.5-acre feet

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- 3.36-acre difference in acreage from 2007 and 2019 plan
  - Area will be vacated from the original plan.

As mentioned, this property already had a recorded plat and had received prior approval. The new developer is coming back to the City to change the plat, and they are starting with the Water Advisory Board. The board reviewed the property via plat maps and power point presentation. They also reviewed the recorded plat and went over the minutes from the previous time the project was before the board.

Planner Henke did state that as previously mentioned in the original plat there was 2.36 acres that was included, and water was calculated for. The new plan doesn't have that land included as the developer is selling that portion to someone. The board discussed how to get water to that property that had already been turned in. It was suggested that an agreement could be done with another developer to trade his water to the new owner, and take the water already turned in and apply to that subdivision, or a perpetual lease could also be reached between the new owner and the City.

The board reviewed the new proposed plat and discussed the existing irrigation lines and ditches around the property.

Planner Henke presented the possible water recommendation for the new project

- 31.99-acre parcel
  - Area of Lots – 1,124,283.6 sq. ft. (25.81 acres)
  - Impervious area of 4 lots – 6.61 acres (36 x 8,000 sq. ft. = 288,000 sq. ft.)
  - Irrigated lot area – 19.2 acres
  - \*Open Space irrigated area – 6.18 acres
  - Park Strips – haven't received that information
  - Total irrigated Acreage – 19.2 (19.2x3) = 57.6-acre feet.
- 36 culinary connections
  - 36 x 0.8 = 28.8-acre feet.
- 104.9-acre feet requirement (missing park strip)
  - 2.36 acres vacated (7.08-acre feet) \*

\*Open Space Irrigated area was missed during the meeting and Planner Henke found this on April 2, 2019. It was added to the calculations as per his instructions\*

The board felt that the development had turned in enough water that would be adequate for the new design that the developer was presenting tonight and late on at the Planning Commission and City Council meeting. The board would like to have the item come back to the board after it has gone through the process and received final approval to find out what had been approved. Planner Henke stated that would not be a problem.

Mayor/Chairman Johnson asked if there were further questions regarding this item? There was not

**Motion: Midway Irrigation Member Brent Kelly made a motion to approve Saddle Creek Subdivision located at 250 West 970 South with recommendation to City Council that the water previously turned in September 3.**

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**2007 would adequately provide for the new plan, and to have the developers work with the Midway Irrigation Company in regards to the ditches and irrigation lines related to the property and area. Midway Irrigation Member Grant Kohler seconded the motion.**

Mayor/Chairman Johnson again asked if there were further questions regarding this item? There was not

**Motion was carried unanimously for Recommendation to City Council.**

**New/Old Business**

Mayor/Chairman Johnson asked if there was any other business to discuss?

Midway Irrigation President/Co-Chairman Farrell wanted to update the City on the upcoming adjudication, and what steps the Irrigation Company would like to proceed with. Mayor/Chairman Johnson also indicated that the City too also had an idea of how to proceed as well. (Detail of discussion on recording).

The board did instruct Treasurer/Secretary Jennifer Sweat to find out the number of shares turned in from May 5, 2008 to current date, and email that information to Steve Farrell, Celeste Johnson, Corbin Gordon and Michael Henke.

Mayor/Chairman Johnson asked if there was any other business to discuss? There was not.

Midway Irrigation Member Grant Kohler made a motion to adjourn. Midway Irrigation Member Brent Kelly 2<sup>nd</sup> the motion. It was carried unanimously. Meeting adjourned 7:02 p.m.