

MIDWAY WATER ADVISORY BOARD

MONDAY May 6, 2019

MEETING MINUTES

Minutes of the Midway Water Advisory Board meeting held May 6, 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, Grant Kohler and Hylton Haueter; Midway City: Mayor/Chairman Celeste Johnson, City Councilman Bob Probst, City Councilman Ken VanWagoner, Michael Henke, City Planner. And Jennifer Sweat, Treasurer/Water Advisory Board Secretary.

General Consent Calendar

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

- a. Approval of the Agenda for May 6, 2019
- b. Approval of the minutes for April 1, 2019

Motion: City Councilman Ken VanWagoner made a motion to approve the General Consent Calendar. Midway Irrigation Member Grant Kohler 2nd 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.

B. Larney – Michie Lane for Larney Residence

Michael Henke, City Planner presented the following regarding this property

- 2.81 acres
- R-1-11 zoning
- One-Dwelling – Lot of Record
- Additional Lots would need to go through the subdivision property.
- Future planned 400 East crosses the property

The board reviewed the property via power point presentation, and discussed the this property is a lot of record, and because of that, where normally we would have them turn in the entire amount of water for the property, because their could be a road, they would turn in to much water, because part of the group would be under impervious surfaces. The thought was that the culinary water would need to be turned in at this time for the home, and the owner would retain the rest of the shares.

If you look at the entire parcel the calculation for water would be:

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- 2.81-acre parcel
 - Area of Parcel – 122,404, sq. ft
 - Impervious area for parcel – 8,000 sq. ft.
 - Irrigated lot area – 2.63 acres (122,404-8,000)
 - Total Irrigated acreage – $2.63 \times 3 = 7.89$ -acre feet.
- 1 culinary connection - .8-acre feet
- 8.69-acre feet requirement

However as mentioned staff felt that they should only turn in .8-acre feet for the culinary water use.

The board discussed various options for the property and what would be the best way to figure out the amount of water that should be turned in. Ultimately, they decided to figure the water for inside and outside use for the house and the size of the lot. The owner would retain the remaining shares.

Midway Irrigation President Steve Farrell indicated they had a 24-inch water line on the west side of the property and will need to have an easement, which is under the road. They already have that easement because of it being a lot of record, and the planned road on 400 East.

Motion: Midway Irrigation Member Grant Kohler made the motion to recommend to City Council that Brian Larney Residence on Michie Lane be required to turn in 1.5-acre feet of water for the house and the 3rd acre lot and retain the remainder of the shares for the rest of the property. Midway Irrigation Member Hylton Haueter seconded the motion.

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

Motion was carried unanimously for Recommendation to City Council.

Homestead Resort – Steve Eddington

Planner Henke indicated that we had originally been told this item would not be on the agenda tonight, however the owner of the Homestead, Steve Eddington had come to the meeting, with intentions of discussing the items that were discussed in the April 1st water advisory board meeting. At our last meeting it was the feeling that the biggest concern Midway Irrigation President Steve Farrell had was with the perpetual leases.

1. Perpetual Lease Shares from Sally Brinton (3), Keith Gertsch (1) Kyle Robertson (2) Cottages on the Green (18.50). This is a total of 24.50 Midway Irrigation Company Shares.

Mr. Eddington provided a packet with documentation for all the perpetual leases and the board reviewed each one individually. The board also discussed the complexity of the water for this property, and it was discussed that the Watts Group and Homestead had spent a substantial amount of money to research all the water leases, and shares etc. that were related to the Homestead and they felt they had a better handle on it then ever before.

The Homestead attorney, Stu Waldrip presented a letter with the packet that served as notice the shares that were perpetual leases with the agreements provided, and also it serves to notify the irrigation company to make a note by the shares in their records so that they can't be sold or used for something other then what the perpetual lease states. As the board stated last meeting, the idea was to have the shares have both names on the certificates, however Corbin Gordon, Attorney for the Irrigation Company stated that they can't force the share holder to do

that, and if there are the perpetual lease agreements, and notification has been given to the irrigation company that too will work. It was also mentioned that they should also file this with the UCC.

Motion: Midway Irrigation President/Co-Chairman Farrell made a motion that we again 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 accepts documentation provided by Judge Stuart Waldrip and Steve Eddington as legal notice given for the perpetual leases, (Sally Brinton (3), Keith Gertsch (1), Kyle Robertson (2), and Cottages on the Green (18.50)) and they will follow up with the UCC filing. City Councilman Kenny VanWagoner seconded the motion.

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

Motion was carried unanimously.

Mayor/Chairman Johnson stated that to be clear the City still has some work to do to figure out what we are requiring and where we are requiring it. This is regarding culinary and outside use. City Planner Henke stated we do need to get the number that is going to be held in escrow for the Master Plan. There was discussion on how they would figure how much outside irrigation would be needed? Planner Henke stated the idea was that they would need to bring in a map that shows the area that is irrigated for the golf course and then the board can calculate out the acreage to come to that. That is what the board is asking to get from Paul Berg and will be reviewed at the next meeting. The idea is to get an estimate for the master plan and hold that water in escrow so it can't be sold off and then as we go to each plat, that is when the water will be deed over to the City.

Tom and Lynn Walker – Rural Preservation Subdivision Approx. 500 W. Main

Midway Irrigation President Steve Farrell received a text from Mike Johnson, who is the engineer for this project, and he requested to have the item tabled for tonight's meeting and to place it on the June 3, 2019 meeting.

Michael Henke, City Planner explained that he did have some maps to show the board but had not spoken to the application to Mike Johnson regarding the project. The board decided because they had asked to have the item continued to the next months meeting, no discussion would be held at this time.

Motion: Midway Irrigation President/Co-Chair Steve Farrell made a motion to table the Tom and Lynn Walker-Rural Preservation Subdivision Approx. 500 W. Main until such time as applicant asked to be placed back on the Water Advisory Board agenda. Midway Irrigation Member Grant Kohler 2nd the motion.

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

Motion was carried unanimously for Recommendation to City Council.

Utah League of Cities and Towns National League of Cities (NLC)

Mayor/Chairman Johnson had received a letter from the Utah League of Cities and Towns, and it was regarding a Service Line Warranty Program, which would be new to Midway City, but apparently was happening in other areas of the State. Mayor Johnson invited the board to quickly read/review the letter included in their packets.

Currently four municipalities including Salt Lake City and Orem currently are offering the program, and the ULCT wanted to provide this information to everyone. If we would like more information the letter indicated, we should contact Utility Service Partners (USP).

The board felt it was basically an insurance policy for the homeowner to cover the water line from the meter to the house, and as Mayor Johnson read it, it was saying support this effort, and let us reach out to your residents, and support them if they decide to do this with USP. It is basically endorsing this company to do this.

Secretary/Treasurer Jennifer Sweat indicated in the past other companies have reached out to Homeowners, and those homeowners have contacted us to see if it was a scam or if we were aware of it. And in reading this letter it appears to her that they want us to adopt this program, and so when they contact the homeowner, and they contact us, we can say, yes this is a true company, and we have adopted them for this warranty program.

It does appear it's a sales pitch, but it is coming from ULCT and if the board is interested, we could inquire about it, and come back to the board with additional information. It is possible it could also be adopted by the Sewer as well. It was also mentioned was it really to help our residents or was it to create revenue income.

Secretary/Treasurer Jennifer Sweat said she would reach out to Salt Lake City and Orem, and see what their experience has been, as well as send an email to Cameron Diehl at ULCT to make sure they had sent the letter.

New/Old Business

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

City Council Member made a motion to adjourn. Midway Irrigation Member Grant Kohler 2nd the motion. It was carried unanimously. Meeting adjourned 7:15 p.m.