

**MIDWAY WATER ADVISORY BOARD  
MONDAY AUGUST 1, 2016  
MEETING MINUTES**

Minutes of the Midway Water Advisory Board meeting held August 1, 2016 at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

**Roll Call**

Irrigation Members: Chairman Steve Farrell, Brent Kelly, Grant Kohler Midway City: Mayor Colleen Bonner, Council Member Kenneth VanWagoner and Karl Dodge, Michael Henke, City Planner.

Water Board Secretary Jennifer Sweat was excused from the meeting.

**General Consent Calendar**

Chairman Farrell asked for approval of the General Consent Calendar which consisted of

- a. Approval of the Agenda for August 1, 2016
- b. Approval of the Minutes of June 6, 2016

**Motion: Mayor Bonner made a motion to approve the General Consent Calendar as presented. Midway Irrigation member Brent Kelly 2<sup>nd</sup> the motion. It was carried unanimously.**

**Indian Summer – Approximately 300 East 200 River Road**

Michael Henke, City Planner presented the following regarding this property

1. 12.7 acres
2. R-1-15 and R-1-9 zones
3. 27 Lots
4. 1.88 acres of open space

The Board reviewed the property via google map and the plat maps provided by the applicant. It is located to the west of Memorial Hill. There is one home on the property, which will be demolished, and become another lot in the subdivision. The board reviewed the plans for landscaping and irrigation of those portions. City Council has changed the water requirements from 1.5 acre feet to 1.3 acre feet, so .2 less than previously required.

Planner Henke stated that the potential water recommendation would be 1.3 acre feet per lot, for a total of 27 lots, and a total requirement of 35.1 acre feet requirement. The 1.88 acres of open

space would have the requirement covered by the percent of acreage lot reduction of 15%. The requirement would be 35.1 acre feet less the credit for the one existing home, which would be 35.1 less 1.3 for a total of 33.80 acre feet.

Chairman Farrell wanted clarification on how Planner Henke came up with the 1.3 acre feet. Prior to the change we required 1.5 acre feet on anything ½ acre or less, and 3 acre feet for anything more than ½ acre feet up to one acre. With the change from City Council that is now 1.3 acre feet or 2.8 acre feet.

Planner Henke stated that the applicant George Bills was present, and asked if he would like to add anything to the discussion. He did not, however he wasn't aware that the water requirement had changed and asked how that equated to water shares. Planner Henke explained that a Midway Irrigation Water share equates to 3 acre feet. City Council Member Dodge stated that would be 11.27 shares, which would be 11 ½ shares. They currently have eight and a half (8 ½) shares and are in the process of obtaining five (5) more shares.

The board discussed access to the secondary water system and it is available as it is currently being irrigated, however Chairman Farrell stated they would need to tie on to the system, and they may need to replace some of the lines, as it is an old line. They discussed the location, and Chairman Farrell stated the best thing for them to do is get with the Company Manager to look at the plans to see where the lines are and what needs to be done to get access.

Chairman Farrell stated that they had just held their Midway Irrigation Board meeting, and they would like to start putting on meters for the secondary systems to keep better track on usage. It is something they would require moving forward. Mayor Bonner wanted to know who would inspect to make sure there is no cross connections. There was some discussion on this, and it was determined it would most likely be Horrocks Engineering.

Chairman Farrell asked if there were further questions regarding this item? There was not.

**Motion: Midway Irrigation Member Grant Kohler made the motion that the board would make a recommendation to the City Council for Indian Summer located at Approximately 300 East 200 River Road to turn in 35.1 acre feet with 1.3 acre feet credit for the existing home, for a total of 33.80 acre feet (11 ½ Shares) turned in to Midway City. Also they will need to get in touch with Mike Kohler, Company Manager for Midway Irrigation Company to find out where to get on the line, and be connected with meters being installed for secondary. City Council Member Karl Dodge 2<sup>nd</sup> the motion. It was carried unanimously.**

After the motion the applicant inquired about the ditches, and what would need to be piped etc. Chairman Farrell stated he should contact Mike Kohler who could help him with that. Mayor

Bonner asked if there should be an easement on the plat map for the irrigation company to be able to come on the property to clean the ditches. The board stated that they would recommend that, but that the applicant should speak with Mike Kohler.

### **Midway Ranches – 1200 South Center Street**

Michael Henke, City Planner presented the following regarding this property

1. 68.78 acres
2. RA-1-43
3. Three (3) lots
4. Required open space is 10.2 acres (15%)
5. They are providing the open space of 15%, which is located in the lots.

The board reviewed the property via google map and the plat maps provided by the applicant. Paul Berg was present representing the applicants. Part of the property will be dedicated to the Church, and a new road will be designed.

Planner Henke stated that the potential water recommendation would be lot one (1), 61.51 acre feet, lot two (2) 103.9 acre feet, and lot three (3) 35.8 acre feet. This also does not take into account the existing water connection on the home already on the property. The 10.2 acres of open space would be located in the three lots. The total water required would be 201.21 acre feet (67 Shares) of Midway Irrigation Water. The calculation is based on the entire lots size.

The board discussed if they would be requiring all the water be turned in for the lots, or would you leave them some to irrigate? Planner Henke stated they had debated that recently. If it's part of a lot, why wouldn't we require that water to be turned over? If its left as an agricultural and isn't part of the lot, then yes you wouldn't require all the water. Paul stated at the same time this is an agricultural subdivision, and Planner Henke didn't disagree with that, but at the same time we want to cover our bases to make sure that down the road the lots aren't sold off in pieces for further development. This way it ties the water to the lots, and if there is further development there is already water.

Chairman Farrell asked if this property wasn't already short on water shares as it is right now? Paul Berg stated they had 48 shares and they have 68 acres so yes they are short. The discussion was that the previous owner had sold off the water shares prior to the Higginson's purchasing the property. This is what the board would like to avoid happening in case the property was sold again.

The existing home is currently using a well, which in previous water board meetings it was discovered it was still in Price's name and had lapsed. Mr. Higginson was working with Teresa at

the State Office to reinstate because it was an active well, but we aren't sure where they are in that process.

Paul Berg stated that his preference would be that the subdivision is treated like an agricultural subdivision which gives them a little bit more flexibility to apply for other types of water. So that the water remains in their name and not in the City's name. Obviously this is because the property is short on water. For example, they could turn in ½ share for the home they want to build and the rest is used for agricultural. Chairman Farrell stated he would rather the City be more involved because then the irrigation company wouldn't have to police it.

Paul stated that his figures are Lot one is 20.57 acres, however 16.32 acres is irrigated. Lot two is 34.70, however 30.75 acres is irrigated and Lot three is 12.00 acres, but 11.82 acres is irrigated. The question is will the new owners still want it farmed? Will they place horses on the property? Chairman Farrell stated they could put a note on the plat map on how many acres can be irrigated. That is a possibility, but it would take some policing. The board discussed leasing M&I water.

The board asked if they are out looking for water, and Paul Berg stated no they are not at this time. They are waiting to see how tonight works out. If the board is going to treat them like an agricultural subdivision, or if they are going to treat them like a regular subdivision. They also have long term plans to turn it into 14 or 15 lots, especially if water is the issue, that will force them to move on that sooner rather than later.

The board discussed the property and how the water is currently being used, and how they should decide what the water requirement should be. The debated several different options, but felt that they should treat the subdivision as presented tonight as an agricultural subdivision.

Chairman Farrell asked if there were further questions regarding this item? There was not.

**Motion: Midway Irrigation Member Grant Kohler made the motion that the board would make a recommendation to the City Council for Midway Ranches located at 1200 South Center Street, to be referred to as an agricultural subdivision because of its size and its amount of open space. They will be required to turn in 8.4 acre feet of water for the three homes, unless they are able to prove they have an active well in their name for the existing home, which would then decrease the required amount to 5.60 acre feet. It was also recommended that the remaining shares, be divided between the three lots, by three different certificates, and that a note be placed on the plat indicating which shares/acreages go with each certificate. It was also recommended that the shares be in the owner's name and also in Midway City name to insure the shares are not sold off. Midway Irrigation Member Brent Kelly 2<sup>nd</sup> the motion. It was carried unanimously.**

### Caldwell Farm Subdivision – 5800 West Wards Lane

Michael Henke, City Planner presented the following regarding this property

1. 5.53 acres
2. RA-1-43
3. Three (3) lots
4. Lots range from one (1) acre to 3.14 acres in size.

The board reviewed the property via google map and plat maps provided by the applicant. Paul Berg was present representing the applicants. This property is located just west of Cascade Meadows.

Planner Henke stated that the potential water recommendation would be lot one (1), 3.97 acre feet, lot two (2) 2.8 acre feet, and lot three (3) 9.22 acre feet. The total water required would be 15.99 acre feet (5 ½ Shares) but that is not giving credit for the existing home. There was some discussion if the home was on a well, if water had been turned in, and if they wanted to go off the well, then what would they need to do? Chairman Farrell stated that they would have to deed the well to the City, and the City would do a change application. They aren't sure what the applicant is planning to do. Chairman Farrell felt the board should require the 15.99 acre feet and Ted and Paul would need to work on the other part.

Planner Henke asked about the secondary water, they already had access to secondary water, but would have to do the hookups for each lot. They will need to also put in a secondary water meter as well.

City Council Member Karl Dodge left the meeting at 7:00 p.m.

Chairman Farrell asked if there were further questions regarding this item? There was not.

**Motion: Midway Irrigation Member Brent Kelly made the motion that the board would make a recommendation to the City Council for Caldwell Farm Subdivision located at 5800 West Wards Lane to turn in 15.99 acre feet, and also need to meet with Mike Kohler to find location of secondary water and will be connected with meters being installed for secondary water. City Councilman Kenneth VanWagoner 2<sup>nd</sup> the motion. It was carried unanimously.**

### Midway Meadows – 1600 North Dutch Canyon Road

Michael Henke, City Planner presented the following regarding this property

1. 11.18 acres
2. RA-1-43
3. Dutch Hollow Annexation.
4. Five (5) lots
5. Lots range from .85 acres to Six (6) acres. Open space is in fifth lot.

The board reviewed the property via google map and the plat maps provided by the applicant. Paul Berg was present representing the applicants. Planner Henke stated that the name of the subdivision would need to change as there is already a platted subdivision with this name.

The board discussed the secondary water and how the property would get that water. Chairman Farrell stated that they would place a pump station up to their existing lines. They also would need to have meters for the secondary water.

There was a discussion about other developments that had already been approved, but hadn't been built yet to be required to put in meters for the secondary water? Councilman VanWagoner stated that they had already been approved and we couldn't go back to require that. The board felt that there needed to be a start point, and it appears that is tonight moving forward. Mayor Bonner stated that we need to get a policy in place quickly, and Chairman Farrell felt there should be an ordinance. Mayor Bonner and Planner Henke stated they would speak with Kraig Powell, City Attorney to start writing that to get it in place.

Planner Henke stated that the potential water recommendation would be lots 1-4 11.2 acre feet and lot five (5) 17.8 acre feet. The total water required would be 29 acre feet (10 Shares) of Midway Irrigation Water.

Paul Berg asked the board that since the City Policy has changed, would the Irrigation Company be fractionizing the shares? Chairman Farrell stated yes, down to a quarter.

Chairman Farrell asked if there were further questions regarding this item? There was not.

**Motion: Mayor Bonner made the motion that the board would make a recommendation to the City Council for Midway Meadows located at 1600 North Dutch Canyon Road to turn in 29 acre feet (10 Shares), will need a will serve letter from the Midway Irrigation Company and will be required to be connected with meters being installed for secondary water. Irrigation Member Grant Kohler 2<sup>nd</sup> the motion. It was carried unanimously.**

## **Fox Pots Subdivision – 850 North Homestead Drive**

Michael Henke, City Planner presented the following regarding this property

1. .98 acres
2. R-1-15 zone
3. Two (2) lots

The board reviewed the property via google map and the plat maps provided by the applicant. Paul Berg was present representing the applicants. The applicant planned to build a new home, and the existing house will stay.

The board discussed the existing home that is already there and if they had turned in three (3) acre feet (one (1) Share) or if they only turned in 1 ½ acre feet (1/2 Share)? Chairman Farrell stated there was an existing home that was torn down, that was used as a rental and when it was torn down, they used that connection for this home. So they would have only had 1 ½ acre feet (1/2 share) for that home.

The board discussed the secondary water for this property. Currently there is no access to the secondary system, however the irrigation company is running a line down Homestead Drive, but it might be easier to run the line through the Kanton's. There is a lot of pot rock in the front of the home. Irrigation Member Kohler thought it best to recommend they speak with Mike Kohler regarding the secondary water and to decide what way it works best for them. They can make that decision as long as they are aware they need to hook onto the secondary water one way or another.

Planner Henke stated that the potential water recommendation for culinary would be lot one (1) 1.3 acre feet, and lot two (2) is an existing dwelling, and would be given a credit of 1.3 acre feet. The total water required would be 1.3 acre feet (1/2 Share).

Chairman Farrell asked if there were further questions regarding this item? There was not.

**Motion: Irrigation Member Grant Kohler made the motion that the board would make a recommendation to the City Council for Fox Pots Subdivision located at 850 North Homestead Drive to turn in 1.3 acre feet (1/2 Share), and speak with Mike Kohler to decide which direction to hook onto the secondary water, and they will be required to be connected with a meter for secondary water when it becomes available. Irrigation Member Brent Kelly 2<sup>nd</sup> the motion. It was carried unanimously.**

## **New/Old Business**

The board discussed the following items:

1. Discussed the design that Wes Johnson, City Engineer had created for the ditch by the town square. It was a cross section concrete ditch design where we are putting the trail on the West side of the Town Square and up to 200 West. At a previous meeting the irrigation company had indicated that the City would not be able to close that ditch in, so Wes designed this plan. Chairman Farrell will give the plan to the Company's engineer to review. The board discussed the trail locations via google map.
2. Discussed the cost of putting in pressurized irrigation into Dutch Fields, bringing the system down from the State Park visitor center down Homestead Drive. The MIC has to identify what they can afford and do it first. They feel Dutch Fields is the most important. Russ Watts did offer to pay some money towards the project, but it was for only what he felt his developments would use, not all. Planner Henke stated shouldn't the cost be passed on to those that this will benefit? Chairman Farrell wasn't sure how to go about doing that. He said that they City couldn't really help, because the irrigation company is private, and so they have different regulations, rules. Councilman VanWagoner asked if it would be possible to increase the impact fees for water that the City collects and a portion of that would go to the irrigation company? Chairman Farrell wasn't sure if that was legally possible. Mayor Bonner stated that was something to discuss with our attorneys. The board discussed different ideas on how to help pay for not only the culinary system, but how to pay for the secondary water, because the new developments are also impacting that system.
3. Discussed meeting held earlier today with Midway City and the Irrigation Company in regards to the water rights
4. Discussed having a special meeting for Water Board since we do not have a meeting in September due to it falling on Labor Day. This was to discuss the legal frame work; do we need to have an official meeting? Perhaps it would be best to have Mayor Bonner and Michael speak with Kraig 1<sup>st</sup>. Chairman Farrell stated he could meet on Wednesday, August 3rd at 1pm.

Chairman Farrell asked if there was any other business? There was no other discussion.

Irrigation Member Kelly moved for adjournment. It was carried unanimously and was adjourned at 8:22 p.m.