

**MIDWAY WATER ADVISORY BOARD
MONDAY MAY 7, 2018
MEETING MINUTES**

Minutes of the Midway Water Advisory Board meeting held May 7, 2018 at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

Roll Call

Irrigation Members: Steve Farrell, Brent Kelly, Grant Kohler. Midway City: Mayor Celeste Johnson, City Councilman Kenny Van Wagoner and Bob Probst, Michael Henke, City Planner and Jennifer Sweat, Treasurer/Water Advisory Board Secretary.

General Consent Calendar

Chairman/Irrigation President Steve Farrell asked for approval of the General Consent Calendar which consisted of:

- a. Approval of the Agenda for May 7, 2018
- b. Approval of the minutes for February 5, 2018

Motion: Midway Irrigation Member Grant Kohler made a motion to approve the General Consent Calendar with no changes. Councilman Van Wagoner 2nd the motion. It was carried unanimously.

Mountain Spa – Change Application

Midway Spa Investors is requesting to have two water right change applications signed by Midway City. The change applications would replace change application a33997 which lapsed in 2014. Applicants acknowledge that change application a33997 was previously approved for diversion of 111.84 acre-feet and depletion of 74.678 acre-feet.

Michael Henke, City Planner presented the following regarding the new change applications

Source – Provo River

- 0.547 cfs and/or 123.84 acre-feet
- Current use – irrigation from 04/01 to 10/31
- Proposed use – Municipal from 1-01 to 12-31 and underground well and surface sources.

Source-Cunningham Lake

- 0.616 cfs and/or 49.626 acre-feet
- Current use – Irrigation from 4-15 to 10-15, stock watering from 1-01 to 12-31, sole supply for 16.5 acres, stock watering 4.5 ELUs
- Proposed Use – Municipal from 1-01 to 12-31, underground well and surface sources.

- Change applications is to convert water right to municipal use.

Paul Berg, Engineer for the applicant stated that the original water application was not intended to lapse, and the original application was signed in 2007. Currently there was no plan for the property, they are just looking at trying to get the water situation worked out for future selling of the property.

The board discussed the property, and Mayor Johnson stated that Midway City is very different today then it was in 2007. Chairman Farrell stated that he felt like signing these change applications without a concept plan or something to review was basically giving a blank check. The board also discussed the concept of accepting foreign water, and that is new, 10 years ago it was a win because it was going to be a resort property. The board ultimately felt that before any change application is signed a plan needs to be in place, so that it can be clear on how the water would be used, how much would be needed. Chairman Farrell stated that also to get the water to the City the irrigation infrastructure would be needed and so an agreement with Midway Irrigation Company would also be needed.

Motion: Chairman Farrell made a motion to recommend to City Council to not sign the change applications until a plan is presented so that there is a better understanding of what the water will be used for, how much will be needed, and how to meet the water requirements of the development. Irrigation Member Brent Kelly seconded the motion.

Chairman Farrell asked if there were further questions regarding this item?

Paul Berg, engineer stated that their intent with the change application is not to say this is all the water that the development would need, it simply is just to get it into a position that it could be used for development. It may be that the project needs more water, it may be that it needs less water.

Jeffrey Gittins with Smith Hartvigsen also representing the applicant stated that signing the application doesn't obligate the City to do anything. The change application can be withdrawn at any time, it is simply to start the process which can take up to 4-6 months.

Mayor Johnson stated it was her understand that no it didn't obligate the City to approve the development, but that it did obligate the City to accept that they have these water shares to use for the development by signing the change application, which is accepting foreign water.

Chairman Farrell stated that he would amend his motion to include that legal clarification would be needed as well to determine what obligation the City would have if they did sign the change application.

Amended Motion: Chairman Farrell made a motion to recommend to City Council to not sign the change applications until a plan is presented so that there is a better understanding of what the water will be used for, how much will be needed, and how to meet the water

requirements of the development. It was also recommended that legal clarification would be needed as well to determine what obligation the City would have if they did sign the change application. Irrigation Member Brent Kelly seconded the motion.

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

Motion was carried unanimously for Recommendation to City Council.

Wasatch County School District

Michael Henke, City Planner stated that the School District was doing due diligence on property that was North of the existing elementary school. It was a location that in 5-8 years could be a location for a new elementary school. In regards for water requirements Chairman Farrell stated the best thing to do is go by the Drinking Water Standards, and to go to other schools to see what water they use and size of meters. The water located on the existing school should stay with that property, and when the new land is purchased they will want to get water shares to cover that. The board also discussed irrigation water on the property.

No motion was required as it was just a discussion and the applicant were not asking for a motion at this time.

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

Ryan Davis Residence – 228 West Farm Springs Lane

Michael Henke, City Planner presented the following regarding this property

1. 4.42 acres and are in 3 different parcels
2. 1 existing dwelling
3. 2 acres grandfathered in with existing dwelling

The board reviewed the property via google map, as well as plat maps, drawings etc.

The board discussed the project, and what historically had happened on the property regarding water irrigation.

Motion: Irrigation Member Grant Kohler made a recommendation for the Ryan Davis Residence located at 228 West Farm Springs Lane, be required to turn in 6 acre-feet of water (2 shares). With the understanding that .8-acre feet will go towards inside use, and the right to irrigate 1.7 acres. The water will need to be turned in prior to the residence receiving a Certificate of Occupancy from the building department. Councilman Bob

Probst 2nd the motion.

Chairman Farrell asked if there were further questions regarding this item? There was not.
Motion was carried unanimously for Recommendation to City Council

Whitaker Farm – 500 North River Road

Michael Henke, City Planner presented the following regarding this property

1. 80-acre parcel
2. RA-1-43 zoning
3. Proposal contains 50 lots
4. 2 accesses from River Road
5. 20 acres of open space
6. The lots will connect to Midway City's culinary water line, Midway Sanitation District sewer line, and Midway Irrigation Company's secondary water line

The board reviewed the property via google map, as well as plat maps, drawings etc. Since seeing this plan last time they had added two water features, however those features are included in the water calculation.

Possible Water Recommendation should be for irrigated acreage they are required to turn in 194.37-acre feet (65 Shares) and for 51 culinary connections they are required to turn in 40.8-acre feet (14 shares) for a total of 231.42-acre feet (78 shares of water).

The irrigation water includes park strip and open space, as well as all irrigated areas, and taking out the impervious area of the 51 lots. This property is not being phased, and that would mean that all shares would need to be turned in prior to the plat being recorded.

Dan Luster, the application stated that currently they have 60 shares of water that are being signed over to them by Tom Whitaker, and they are looking at doing a change application for 102-acre feet of water from Provo River from Ray Hult. It will be changed to a municipal use, and the board stated that there will most likely be a haircut by the state, and they may only be given 72-acre feet. The board also discussed that they weren't sure they wanted to accept the foreign water from Provo River. The board discussed the irrigation ditch on the property as well.

Motion: Councilman Kenny Van Wagoner made a motion to recommend to the City Council approval for the Whitaker Farms located 500 North River Road to be required to turn in 231.42-acre feet of water (78 shares) for the development. Councilman Brent Kelly seconded the motion.

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

Motion was carried unanimously for Recommendation to City Council

Beaugency – Approx. 525 East Main Street

Michael Henke, City Planner presented the following regarding this property

1. 16.66 acres
2. C-2, R-1-11 & R-1-22 zoning
3. 84 residential pads
4. 2 commercial pads
5. Access from Main Street and River Road
6. 5.79 acre of open space.
7. Pads will connect to Midway City's culinary water line, MSD's sewer line and Midway Irrigation Company's secondary water line.

The board reviewed the property via google map, as well as plat maps, drawings etc.

Possible water recommendation would be as followed according to Planner Henke.

For irrigation water they would be required to turn in 27.18-acre feet (9 shares) and for the culinary water they would be required to turn in 72.8-acre feet (24 shares). They would be required to turn in 99.98-acre feet or 33 shares of Midway Irrigation Water.

The board discussed the property and discussed that the plan is very preliminary and that it is possible it could change to include additional properties and commercial space being moved (Automotive Shop). Dan Luster, the application again stated that this was a very preliminary plan and that it could possibly change. Also, he was looking at using the change application from Ray Hult for this property as well. They currently only have 16 shares of water.

Motion: Councilman Member Kenny Van Wagoner made a motion to recommend approval to City Council for the Beaugency Subdivision located at approximately 525 East Main Street to be required to turn in 99.98-acre feet of water (33 shares). Midway Irrigation Member Grant Kohler seconded the motion.

Chairman Farrell asked if there were further questions regarding this item? There was not.
Motion was carried unanimously for Recommendation to City Council

New/Old Business

Chairman Farrell asked if there was any other business to discuss?

The board discussed moving the meeting dates for the Midway Irrigation Company Board

Meeting and the Midway Water Advisory meeting to the 2nd Monday of the month so that Councilman Van Wagoner would only need to fly in once, instead of multiple times.

Chairman Farrell stated that he wouldn't be able to have the irrigation meeting, because he has another meeting on the 2nd Monday of the month at 3:30, and it lasts at least an hour and a half. The board discussed the importance of the cutoff dates, and not accepting changes after that cutoff date. Mayor Johnson stated that staff would discuss this, and we would discuss it at the next meeting.

The board discussed the concerns they had regarding the Change Applications.

Councilman Kenny Van Wagoner moved for adjournment. Councilman Bob Probst 2nd the motion. It was carried unanimously. Meeting adjourned 8:00 p.m.

Approved