

MIDWAY WATER ADVISORY BOARD
MONDAY April 4, 2022
MEETING MINUTES

Minutes of the Midway Water Advisory Board meeting held April 4, 2022, at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

Roll Call

Irrigation Members: President/Chair Steve Farrell, Grant Kohler, and Brent Kelly. Midway City: City Attorney Corbin Gordon, City Councilman Steve Dougherty, City Councilman Jeff Drury, Wes Johnson, City Engineer, Michael Henke, City Planner and Jennifer Sweat, Treasurer/Midway Water Advisory Board Secretary.

Mayor/Co-Chair Celeste Johnson was not able to attend and had asked City Attorney Corbin Gordon to attend for her on behalf of the city.

General Consent Calendar

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

- a. Approval of the Agenda for April 4, 2022
- b. Approve Meeting Minutes March 7, 2022

Motion: Midway Irrigation Member Grant Kohler made a motion to approve the General Consent Calendar, City Council Member Jeff Drury 2nd the motion.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

Motion was carried unanimously.

Midway Springer Bakery – 65 North 200 West – Revised Plan

This project came before the Water Advisory board last month and additional information was requested from the board.

Michael Henke, City Planner presented the following information for the project:

- **Proposal:** Applicant proposing to demolish existing home and rebuild a new commercial structure.
- **Items Being Reviewed:**
 - Exterior of Commercial Structure
 - Signage
- **Zoning:** C-3 Zone
- **Parcel:** 0.80 acres. Applicant owns 1.85 acres in total
- **Proposed Structure Size:**

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- Main: 1,800 SF
- Second Floor: 900 SF
- Porch: 300 SF

The board reviewed google map, and additional drawings and renditions of the property with additional details regarding the landscaping and what would be in the building. Before the upstairs was going to have office space. Now it was going to have a night rental. It would not have a full kitchen, but would have a sink, and small fridge. No stove tops.

The board reviewed the current water use for the property before it was torn down:

- Culinary connection
 - 0.8-acre feet
- Outside irrigation
 - 0.8 acres (34,848 – 8,000 square feet = 26,848 sq. ft.)
 - 0.62 irrigated area = 1.85-acre feet
 - More precise measurements (34,848 – 1,850 = 32,998 sq. ft.)
 - 0.75 irrigated area = 2.25-acre feet
- Total water usage = 2.65-acre feet
- Total water usage (precise) = 3.05-acre feet

Planner Henke presented the following for the recommended water requirement for the new use on the property:

- # Seats x 35 GPD x 365 days per year / 325,851 Gallons per acre feet x 1.77 return flow = acre feet water requirement
- Restaurant seats
 - 32 seats x 35 GPD = 0.36-acre feet x 1.77 (return flow) = 2.22-acre feet
- Rental Unit = 0.6-acre feet
- Outside irrigation 24,232 square feet (0.56 acres) = 1.68-acre feet
- Total = 4.5-acre feet

Difference $4.5 - 1.5 = 3.0$ -acre feet

The board discussed the project and directed staff to look at other nightly rentals like this rental and see how that unit was treated regarding water and see if that would change the water requirement for the project. The board discussed that it was possible that when the rest of the plan for the project comes in, and too much water was required on this portion, the overage could be applied to the other part of the plan.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

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Motion: Midway Irrigation Member Grant Kohler made the motion to recommend to City Council the approval of the Midway Springer Bakery located at 65 North 200 West with the water requirement for the restaurant being 2.22 acre feet, the rental unit 0.6 acre feet, and outside irrigation 1.68 acre feet for a total of 4.5 acre feet required, and they have a credit of 1.5 acre feet for the previous home on site. They will be required to turn in 3.00-acre feet subject to staff reviewing verification of water requirements for similar nightly rentals of this size and nature. City Councilman Steve Dougherty 2nd the motion.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

Motion was carried unanimously.

The Village/ Midway Heritage Development – M & I Water

Michael Henke, City Planner presented the following information:

MIDWAY HERITAGE DEVELOPMENT, LLC

143 W Farm Springs Lane • Midway, Utah 84049
Phone: 631-807-8466

DATE

Wasatch County Service Area No. 1
25 N Main Street
Heber City, Utah 84032

RE: Transfer of 28.82 acre-feet of M&I contract water acquired by Heber Valley Land Partners, LLC

As you are aware, Midway Heritage Development, LLC was assigned ownership of 28.82 acre-feet of M&I contract water with the Wasatch County Special Service Area No. 1 by Heber Valley Land Partners, LLC, who received assignment of this contract water from First National Bank of Wynne, who was awarded ownership by judgment of the United States District Court, District of Utah, Central Division (Civil No. 2:10-cv-01100-RS).

For valuable consideration, Midway Heritage Development, LLC does hereby transfer, convey, and assign, without warranty of any kind, all of its interest in and to 28.82 acre-feet of M&I contract water with the Wasatch County Special Service Area No. 1 to

MIDWAY CITY, a Utah municipal corporation
75 N 100 W
Midway, UT 84049

Please record on your records that MIDWAY HERITAGE DEVELOPMENT, LLC is the owner of the 28.82 acre-feet of M&I contract water and make any necessary changes on your books to reflect this conveyance.

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Planner Henke explained that this would be a transfer of M&I water from Twin Creeks Special Service District to Midway for The Villages.

Planner Henke briefly reviewed The Village project:

- The Village
 - 26.61 acres
 - 143 residential culinary connections
 - 9 commercial buildings
 - 23.61 acres have been historically irrigated
 - 166.6-acre feet required for the master plan

The water advisory board would only be making a recommendation to City Council, as ultimately the decision would be up to them. City Attorney, Corbin Gordon stated that he had spoke with Mayor Johnson regarding this item, and she felt comfortable recommending it to City Council to discuss.

The board discussed a variety of different scenarios regarding the M&I water, and what would happen if the M&I Water had fees associated with them, who would pay those fees, how would homeowners be aware of this additional fee, adding the information to a plat map, if a change application would be needed, or if the contract between Midway Heritage Development and Midway City was all that was needed. There was concern by taking on the M&I Water into the well that it would invalidate the well capacity and did not feel it was a benefit for the city to take on this type of water into the system.

There was also discussion on whether a motion or a resolution should be passed tonight for this item. City Councilman Steve Dougherty felt a resolution made more sense to make to send a message to City Council that the board does not see any reason to not accept the M&I water or rather to object to it. There is a lot to still work out, but it really is with the City Council those items need to be ironed out, not with Water Advisory Board.

There was concern to say the board does not object, when the board is not sure what shares have been allocated to the wells. It was felt that was up to the city to determine not the advisory board. Councilman Jeff Drury would like staff when this item comes to City Council to be prepared to state: here is what is allocated and being used in the well, here is what has been promised in the well, and maybe that's the M&I shares not allocated in the well but would be consume that source, and any other promises and rights allocated to the well but hasn't been officially taken from its overall capacity. So that we are not invaliding any of the promises we have made by accepting this M&I water. Wes Horrocks, City engineer stated that there is a lot of capacity left in the well, but that staff can make sure that information is available.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

Motion: Midway City Councilman Steve Dougherty made motion to approve a resolution to the City Council that the water advisory board does not have an objection to this proposed transaction regarding the M&I water. Midway Irrigation Brent Kelly 2nd the motion.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

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City Councilman Jeff Drury voted nay on motion, all others voting voted aye.

Motion was carried

New Old/Business

Midway Irrigation President/Chair Steve Farrell if there was anything else that needed to be discussed? There was not.

City Councilman, Steve Dougherty moved for adjournment, so moved meeting adjourned at 7:16 p.m.

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