

**MIDWAY WATER ADVISORY BOARD  
MONDAY June 5, 2023  
MEETING MINUTES**

Minutes of the Midway Water Advisory Board meeting held June 5, 2023, at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

**Roll Call**

Irrigation Members: President/Co-Chair Steve Farrell, Grant Kohler, and Brent Kelly. Midway City: Mayor/Chair Celeste Johnson, City Councilman Steve Dougherty, Wes Johnson, City Engineer, Michael Henke, City Planner, and Jennifer Sweat, Treasurer/Midway Water Advisory Board Secretary.

City Councilman Jeff Drury was excused from this evening's meeting.

**General Consent Calendar**

Midway City Mayor/Chair Celeste Johnson asked for approval of the General Consent Calendar which consisted of:

- a. Approval of the Agenda for June 5, 2023
- b. Approve Meeting Minutes February 6, 2023

**Motion: City Councilman Steve Dougherty made a motion to approve the General Consent Calendar. Midway Irrigation Member Grant Kohler 2<sup>nd</sup> the motion.**

Midway City Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

**Motion was carried unanimously.**

**Keith Gertsch Water Requirement – 300 South 250 West**

Michael Henke, City Planner discussed the History of this property regarding water.

Keith Gertsch water dedications

- August 14, 1995 - ½ share.
- April 22, 1999 – ½ share.
  - 5.5-acre lot of record for one dwelling
- August 3, 2007 – 2 shares
  - 2 one-acre lots

The board reviewed the property via google maps and discussed the history of the property. There was a discussion on the spring on property, which shows on the Plat from 2007. Mr. Gertsch felt that ½ share credit was given for the private spring. The board discussed the motion from April 12, 1999, Jennifer Sweat, board secretary quoted the minutes, and it was determined that the water was turned in for inside use only.

Mr. Gertsch would like to use the private spring as 1/3 share because the property he wants to develop is 2, 1 acre lots. It would be required to turn in 2 1/3 shares by his calculations. The board asked if the spring is in Mr. Gertsch name? He said it was not, he had been told to not worry about doing that many years ago.

The board felt that as of right now the “private spring” couldn’t be used towards the new development until a claim had been established. Again Mr. Gertsch stated he was told he thought by Andy Lundin to not file a claim, but that was about 20 years ago. At this point Mr. Gertsch does not want to file a claim against the spring. The board understands that, however, there is procedure that must be followed.

Mr. Gertsch wanted to know the exact amount of water that would be needed for his development. Planner Henke stated that he needs to provide a plan for the property, and then water can be calculated at that time.

Midway City Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

**No motion was needed, as it was just a discussion on the property.**

## White Acres PUD-500 North Whitaker Farm Way

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

- RA-1-43 zone.
- 1.96 acres
- 6 pads
  - Annexation Agreement allows PUD and Whitaker dwelling.
    - 1 existing dwelling
    - 6 proposed pads
    - 5 future pads
- Public Road (existing)
  - Whitaker Farm Way
- One existing dwelling

No sensitive lands have been identified.

The board discussed the project, and reviewed google map, as well as the proposed plat map for the project. Mayor Johnson thought that the existing home counted, and the museum counted towards this property. Planner Henke stated he reviewed the annexation agreement very carefully, and it really is a gray area, however at this time the applicant isn't pushing for more homes, but they could come in later and request it, and then at that time further discussion regarding Mayor Johnson questions and they may need further explored.

Planner Henke stated the following is the recommendation for water requirement:

- 1.96-acre parcel (85,377.6 sq. ft.)
  - Impervious area for dwelling, accessory structures, hard surfaces
    - 0.51 acres (22,215.6 sq. ft.)

- 0.08 acres (3,600 sq. ft.) driveways
- Irrigated acreage
  - 1.37 acres x 3 = 4.11-acre feet
- 6 culinary connections for new dwellings
  - 4.8-acre feet
  - 8.91-acre feet requirement

The park strip had already been dedicated, and if the applicant came before the board for additional development as Planner Henke previously mentioned and then the board would need to look at water for the existing home etc.

**Motion: Midway Irrigation Member Grant Kohler made a recommendation to City Council for approval of White Acres PUD located at 500 North Whitaker Farm Way be required to turn in 8.91-acre feet which will be used for irrigation and culinary water use. City Councilman Steve Dougherty 2<sup>nd</sup> the motion.**

Midway City Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

**Motion was carried unanimously.**

**Malinka Subdivision – 150 North 100 East**

Michael Henke, City Planner discussed the project the board would be reviewing.

- R-1-15 zone.
- 5.2 acres
- 5 lots
- Public cul-de-sac
- Private shared driveway
- One existing dwelling
- All five lots will be restricted from further subdividing.

- No sensitive lands have been identified.
- 200 North will be removed from the Master Street Plan once the deed restrictions have been recorded for all 5 lots.

The board reviewed the plat map, google earth and reviewed the project, along with the existing home, and looked at outbuildings on the property, which will be removed. Councilman Dougherty asked if the setbacks apply on density for this project. Planner Henke stated yes, they had been.

The board discussed the “Gurney” ditch, and the location of the ditch on the project. It was located on the west side of the property, how it was being presented is fine with the irrigation company, however they will need an easement. Midway Irrigation Company President/Co-Chairman Steve Farrell stated that a 10-foot easement should be ok, and the property owner would be responsible to keep the culvert cleaned. Planner Henke also stated that a geo technical study will be needed.

Planner Henke presented the following proposed water requirement for the project:

- 5.2-acre parcel (226,512 sq. ft.)
  - 4.95-acres after dedication
  - Impervious area for dwelling, accessory structures, hard surfaces
    - 0.92 acres (40,000 sq. ft.)
    - 0.11 acres (4,805 sq. ft.) Private driveway (edge of property)
  - Irrigated acreage
    - 3.92 acres x 3 = 11.76-acre feet
- 5 culinary connections for dwellings
  - 4-acre feet
- 15.76-acre feet

- 1.5-acre feet previously credited for lot of record and dwelling
- 14.26-acre feet requirement

Midway City Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

**Motion: City Councilman Steve Dougherty made recommendation to City Council for approval of the Malinka Subdivision located at 150 North 100 East be required to turn in 14.26-acre feet of water. Midway Irrigation Member Grant Kohler 2<sup>nd</sup> the motion.**

Midway City Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

**Motion was carried unanimously.**

#### **CUP Water Conservation Ordinance and Grants**

City Councilman Steve Dougherty asked Planner Henke to place this item on the agenda for tonight's meeting to discuss a possible CUP Water Conservation ordinance. A resident contacted Councilman Dougherty and had questions on the program, and was referred to Central Utah, who indicated that Midway City doesn't have an adopted ordinance of a plan and so citizens of Midway couldn't apply.

The board discussed the program, and reviewed the material provided in the packet (see supplemental file). Midway Irrigation Company President/Co-Chairman Farrell stated that Rick Malloy is over this program, and he should come and discuss it with the City Council. Planner Henke stated that it was his understanding that if this was adopted, it would decrease the water requirements. The board thought it was best that this item goes to City Council, and they be educated on what the program entails.

Midway City Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

**Motion: City Councilman Steve Dougherty recommended that this item be tabled at this time, and that the Midway City Council should review the program at a work meeting at a future date. Midway Irrigation Member Brent Kelly 2<sup>nd</sup> the motion.**

**New Old/Business**

Midway City Mayor/Chair Celeste Johnson if there was anything that needed to be discussed? There was not.

**City Councilman Steve Dougherty moved for adjournment, Midway Irrigation Member Grant Kohler 2<sup>nd</sup> the motion and the meeting was adjourned at 7:02 p.m.**

Approved