

**MIDWAY WATER ADVISORY BOARD  
MONDAY February 2, 2026  
MEETING MINUTES**

The Midway Water Advisory Board meeting was held February 2, 2026, at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

**Roll Call**

Irrigation Members: Steve Farrell, Russ Kohler, Brent Kelly. Midway City: Mayor Craig Simons, City Council Member Andy Garland, Michael Henke, City Planner, and Jennifer Sweat, Treasurer/Midway Water Advisory Board Secretary.

**General Consent Calendar**

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

- a. Approval of the Agenda for February 2, 2026
- b. Approve Meeting Minutes January 5, 2026

**Motion: City Councilman Andy Garland made a motion to approve the General Consent Calendar with the noted changes to minutes. Irrigation Member Russ Kohler 2<sup>nd</sup> the motion.**

Chair Farrell asked if there were further questions regarding this matter. There was none.

**Motion was carried unanimously.**

**Review Whispering Creek Water Requirements- 515 West Cari**

**3. Review Whispering Creek Water Requirements – 515 West Cari**

Planner Henke stated that this item had been continued at the last meeting in January 2026, and that was because the board requested calculations from Paul Berg, the project engineer, and decided they would like him to calculate the flood way vs. flood plain.

Planner Henke briefly reviewed the property presented last month:

- 4.54 acres
- R-1-15 zone
- 7 lots
- Sensitive lands
  - FEMA Floodplain
  - Wetlands
- Cosper Subdivision – 6-acre feet dedicated.
- One existing dwelling – 1.5-acre feet credit

Planner Henke reviewed the plat maps, and site plans. The project has three (3) lots that have a floodplain on them. The board also reviewed the FEMA Map that shows the floodplain, and floodway. The previous water calculation recommendation was also reviewed:

## POSSIBLE RECOMMENDATION

- 4.54-acre parcel (197,762 sq. ft.)
  - Irrigated area
    - Lots – 162,231 sq. ft. (3.72 acres)
    - Park strip – 8,276 sq. ft. (0.19 acres)
    - Common area – 5,896 sq. ft. (0.14 acres)
  - Impervious area for lots
    - 56,000 sq. ft. (7 x 8,000)
  - Total irrigated acreage
    - $2.76 \times 3 = 8.28$ -acre feet
- 7 culinary connections
  - 5.6-acre feet (7 x .8)
- Credits
  - Cosper – 6 acre feet
  - Existing dwelling – 1.5 acre feet
- 13.9 acre feet requirement
- 6.4 acre feet ( $13.9 - 6 - 1.5 = 6.4$ )

Planner Henke stated that we did receive new calculations from Paul Berg, the projects engineer, and if you look at the Floodway, it would be 0.6 acres, and that would change the water calculation recommendations to the following :

## POSSIBLE RECOMMENDATION

- 4.54-acre parcel (197,762 sq. ft.)
  - Irrigated area
    - Lots – 162,231 sq. ft. (3.72 acres)
    - Park strip – 8,276 sq. ft. (0.19 acres)
    - Common area – 5,896 sq. ft. (0.14 acres)
  - Impervious area for lots
    - 56,000 sq. ft. (7 x 8,000) (1.3 acres)
  - Floodway 0.6 acres
  - Total irrigated acreage
    - $2.15 \times 3 = 6.48$ -acre feet
- 7 culinary connections
  - 5.6-acre feet (7 x .8)
- Credits
  - Cosper – 6 acre feet
  - Existing dwelling – 1.5 acre feet
- 12.1 acre feet requirement
- 4.6 acre feet ( $12.1 - 6 - 1.5 = 4.6$ )

Planner Henke stated that it would make the water requirement slightly less, however in the past we have required subdivisions with floodplains to turn in water or the floodplain/floodway. He briefly reviewed subdivisions that this had been the case :

## SUBDIVISIONS WITH FLOODPLAIN

- Huntleigh Woods
- Homestead
- Midway Village
- Pine Canyon Paradise
- Ray Farm
- Cozens
- Mill Farm
- Haven Farms

The board and city have set a precedent for requiring water for floodplains/floodways, and if this project is treated differently it could cause a ripple effect, where past projects comes back to the city and requests water to be returned to them for the floodplain/floodway, and by state law that can't be done. Also at the the time the Homestead turned in their required water, their attorney submitted a letter that it was under protest for the floodplain/floodway, and to make this change on policy, would open the door for lawsuits etc.

Jeremy Clark, the applicant was present, and he stated that he really was doing this project so his children had some where to build when they wanted too. The plan was to do a spec home, and then one lot he was selling, but none of this could happen until the plat is recorded. And until the water was found that couldn't happen.

The board discussed the project, the possibility of doing it in phases, which isn't possibly because its less then 10 lots. Mr. Clark asked if he could lease the water until he finds the shares, and then once he gets them, the lease could end and he could turn in the shares. Chair Farrell stated there was no water to lease so that wouldn't be an option. There was discussion in locating share holders that had shares they were willing to sell, and Mr. Clark had been speaking to one person, but the agreement hadn't been settled. Chair Farrell stated that Mike Kohler, secretary for the irrigation company did have a list of people who had contacted him about wanting to sell but Mr. Clark stated that Mr. Kohler hadn't been willing to give that information to him, but Chair Farrell stated no, that information could be given. Mr. Clark said he would reach out again to see what he could find.

Mayor Simons asked Planner Henke his recommendation, and Planner Henke stated that he felt the board needed to say with what had been set as precedent, and keep the water recommendation the same with 6.4 acre feet of water being required for the subdivision.

City Councilman Garland asked if they should continue the item, and see if there was way to phase the project? Planner Henke stated that would start the project over, and it would need to have a Master Plan, go back to Planning Commission, and City Council, which wouldn't help move anything along faster, if anything it would severely delay it.

The board discussed the project, and while they understand why it was asked to be reviewed, they felt that a change could not be made based on previous recommendations, along with the city code requirements.

Chair Farrell asked if there were further questions regarding this matter. There was none.

**Motion: City Councilman Andy Garland moved to not change the water requirement originally recommended to City Council. Midway Irrigation Member Brent Kelly 2<sup>nd</sup> the motion.**

Chair Farrell asked if there were further questions regarding this matter. There was none.

**Motion was carried unanimously.**

#### **4. New/Old Business**

Chair Farrell asked Secretary Sweat if she had anything to discuss, and she stated she did not.

Planner Henke stated there was a slight site plan change on the Michie Lane LDS church, but it was not anything that caused the project to be re-looked at by the board. Chair Farrell asked what was the timeline for getting it to be built? Planner Henke stated that the project goes to Planning Commission in February, and City Council the 1<sup>st</sup> meeting of March. They are trying to start early, as money has been moved to start the project. Planner Henke also stated they might possibly turn in an application for a subdivision for the back piece of the property, but at this time it was not known when or if that would happen. There was also discussion on possibly conservation easements, but again that's just discussion, nothing had been decided.

Chair Farrell asked if there were further questions regarding this matter. There was none.

**Midway City Councilman Andy Garland moved for adjournment, Midway Irrigation Member Russ Kohler 2<sup>nd</sup> the motion meeting was adjourned at 6:21 p.m.**