

NOTICE OF PUBLIC MEETING

TO THE RESIDENTS OF UTAH COUNTY AND VERNAL CITY: Notice is hereby given that the Vernal City Council and the Uintah County Commission will hold a Special Joint Meeting on *Monday, November 28, 2022 at 4:00 p.m. in the Uintah County Commission Large Conference Room, 2nd Floor - 152 East 100 North, Vernal, Utah.*

A G E N D A

4:00 P.M.

STANDING BUSINESS

1. ACKNOWLEDGMENT & APPROVAL OF SPECIAL MEETING
2. APPROVAL OF THE MINUTES OF AUGUST 8, 2022 JOINT CITY / COUNTY MEETING

PUBLIC BUSINESS

1. UPDATE FROM UBAOG
2. UPDATE AND APPROVAL OF THE AIRPORT MASTER PLAN – KEN CAMPBELL
3. CONSIDER APPROVAL OF A DESIGN ASSIST CONTRACT FOR 100 SOUTH SEWER REPLACEMENT PROJECT (VERNAL CITY COUNCIL) – KEITH DESPAIN

ADJOURN

TO THE RESIDENTS OF UTAH COUNTY AND VERNAL CITY: Notice is hereby given that the Vernal City / Uintah County Interlocal Agency will hold a Special Joint Meeting on *Monday, November 28, 2022 after the above meeting in the Uintah County Commission Large Conference Room, 2nd Floor - 152 East 100 North, Vernal, Utah.*

STANDING BUSINESS

1. ACKNOWLEDGMENT & APPROVAL OF SPECIAL MEETING
2. APPROVAL OF THE MINUTES OF NOVEMBER 25, 2019

PUBLIC BUSINESS

1. CONSIDER APPROVAL OF MOU FOR FUNDING SUPPORT OF THE DOWNTOWN VERNAL PLAN / PROJECTS – QUINN BENNION

ADJOURN

NOTE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Quinn Bennion, 374 East Main, Vernal, Utah 84078 or phone (435)789-2255 at least three days before the meeting.

MINUTES OF THE VERNAL CITY COUNCIL AND UTAH COUNTY
COMMISSION SPECIAL MEETING HELD AUGUST 8, 2022 at 7:00 p.m. in
the Vernal City Council room, 374 East Main, Vernal, Utah 84078.

PRESENT:

VERNAL CITY: Councilmembers Nicholas Porter, Dave Everett, Robin O’Driscoll, Ted Munford and Corey Foley. Mayor Doug Hammond were excused.

UINTAH COUNTY: Commissioners Bill Stringer and Bart Haslem. Commissioner Brad Horrocks was excused

GUESTS: Aaron Averett, Dennis Judd, Wayne Simper and Chris Abegglen and Norm Evenstad, joined via Zoom.

APPOINTMENT OF MAYOR PRO TEMPORE: *Councilmember Robin O’Driscoll moved to appoint Corey Foley as the Mayor Pro Tempore for this meeting. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers O’Driscoll, Everett, Munford Foley and Porter voting in favor.*

WELCOME: Mayor Pro Tempore Corey Foley welcomed everyone to the meeting.

ACKNOWLEDGMENT & APPROVAL OF SPECIAL MEETING: *Councilmember Dave Everett moved to acknowledge and approve this special meeting. Councilmember Nick Porter seconded the motion. The motion passed with Councilmember Everett, Munford, Porter, O’Driscoll, and Foley and Commissioner Stringer voted in favor. Commissioner Bart Haslem was not present for the vote.*

APPROVAL OF THE SPECIAL JOINT CITY COUNTY MEETING MINUTES OF: *Councilmember Nick Porter moved to approve the minutes of. Commissioner Bill Stringer seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford Foley and Porter and Commissioner Stringer voting in favor. Commissioner Bart Haslem was not present for the vote.*

ASHLEY CENTRAL CANAL DISCUSSION: Quinn Bennion noted there has been a lot of interest in piping central canal and the next step in the process for Vernal City, Uintah County and Naples City will be explained by Aaron Averett from Sunrise Engineering. Also, the comment period for that project ends on the 13th so the elected officials need to discuss what official comments want to be given on the plan being presented.

Aaron Averett noted that the canal is being piped and different portions of the canal have served the community in different ways. A study was conducted to see how much storm water was being taken in as there are 33 areas where storm drains empty into the canal from Vernal City, Uintah County and State roads. If the canal is piped, the question is where does the storm water go. There is also the recreational part of the canal known as Kids Canal. It has been determined there would be an adverse affect on a cultural resource that has a historical use so there has to be

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47 a mitigation factor. That section of the canal also has a value to the community and it has been
48 acknowledged that it needs to be preserved to some extent. He asked the City and County to
49 consider what portions are most important and put those items into a motion or statement that then
50 can be used as part of the framework for a solution. Aaron presented an option of keeping the canal
51 channel open along the Kids Canal area for recreation. Norm Evenstad stated if the City and
52 County show support, it will be incorporated into the plan for this project. Councilmember Ted
53 Munford stated that no one opposes keeping the historic nature of the canal, however, this property
54 does not belong to the City or County and the owners do not want government to step in and tell
55 them what to do with their property. Commissioner Bill Stringer asked who has to pay the bill
56 for the mitigation. Aaron Averett answered that the mitigation will become part of the project
57 and project funds will need to be used. Wayne Simper stated that Uintah County is considered a
58 sponsoring agency for any funds and planning. The major portion of the government involvement
59 would be the storm water issue and that section would be a 50/50 match. The recreation portion is
60 the trails and that is the component that needs to find a way to put water in that section to keep the
61 trees alive and who take the liability for the water. There was some discussion on how to get the
62 water so a portion could be left in the Kids Canal section. Councilmember Corey Foley asked
63 what is the cost for that water. Wayne Simper answered it depends on how they go about getting
64 the water. The water shares are based on water use and about 100 acre feet would be needed.
65 The City has 1200 acre feet. Water shares are \$60,000 of Steinaker water plus annual cost. The
66 NRCS will pay 50%. Councilmember Ted Munford stated that solves part of the question.
67 However, what happens with the liability. Dennis Judd reported that this would be a unique
68 situation and there are protections under State statute and case law to provide some protection. If
69 they were creating a new water course, it would fall outside those protections and be similar to a
70 swimming pool or water park. Wayne Simper noted that when the MOU was signed in 1992 for
71 the parkway the City and County took on the liability. Councilmember Robin O'Driscoll
72 clarified that the City water is being used by the golf course and they would still have the same
73 amount after it flows through Kids Canal. Wayne Simper agreed, however, some will be lost
74 along the way. Quinn Bennion reported that if the City's water is used, there is a cost with pumping
75 water from Red Fleet. Councilmember Corey Foley asked if the City's shares are used to water
76 the parks. Quinn Bennion answered yes. Commissioner Bart Haslem asked who owns the trees
77 in the canal and who owns the parkway. Quinn Bennion stated the City has an easement for the
78 canal and trail. Chris Abegglen stated to his knowledge the Recreation District does not have
79 ownership. He noted that Kids Canal is a worthwhile project to look at. Commissioner Bill
80 Stringer stated the Cities and County need to be prepared for something to happen to the Colorado
81 Basin as they are looking to reduce the amount of water coming out of the Green River. Mayor
82 Pro Tempore Corey Foley stated he would open this meeting up for public comments. The
83 comments would be limited to two minutes per person.

84
85 Susanne Hadlock stated she was born and raised here and used Kids Canal forever. She noted it
86 was appreciated that they were trying to come up with a solution.

87
88 Laura Arnsbrak, stated she lived on 1500 West and used the irrigation water on their fields. In
89 1992 the irrigators signed the easement, and there are kids using the canal every day in the summer.

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90
91 Robert Jolley, resident at 1756 West 750 North, stated he was in favor of piping and in favor of
92 Kids Canal having a small amount of water flowing down it. He asked if Uintah County has any
93 water shares. Commissioner Bill Stringer answered yes the County purchased a few shares out
94 of Red Fleet. Robert Jolley noted the water cannot go from culinary to irrigation.

95
96 Dwayne Cook, property owner at 235 West 1500 South, stated this project could make the liberty
97 gulch go dry, which receives a large part of the water from central canal and is also water belonging
98 to the farmers. The canal was built for agricultural use, not recreation and the community has a
99 recreation center. This spot will not be useful with a small trickle of water and a mud hole. If
100 the community wants to maintain the trees, there are water shares for sale.

101
102 David Gilman, resident at 177 North 1500 West, stated he is encouraged with the communication
103 to find a solution. Other communities have canals in the middle of a park and may have an idea
104 how to handle their liability. He stated he understands the importance of the water and pipeline
105 and maybe there is a way to have a spot or two with water for the community.

106
107 Brian Green, resident at 1680 West 750 North, voiced his concern for the trees. He hoped
108 everyone work together to find a solution.

109
110 Jessica Green, resident at 1680 750 North, noted this would not have an affect on wildlife as they
111 will change direction to find water. She suggested a 50/50 blend for piping as there has been an
112 ecological affect on the birds at least in the Maeser area.

113
114 Kurt Stratinger, 210 South 1355 West, thanked the elected officials for this meeting. He noted that
115 it is frustrating when the federal government is involved. There may be good ideas that will be
116 considered by the local agencies and it is nice to know they are being heard. With the last pipeline
117 project there were eight families that lost their yards.

118
119 Sonja Norton stated the Recreation District maintains the trail and asked who maintains the canal
120 channel. Aaron Averett answered that when the irrigators vacate the canal, they have no
121 responsibility to take care of it. It would fall on Vernal City or Uintah County to maintain as a
122 storm water channel.

123
124 Jon Stearmer, Uintah County attorney, stated that who has legal obligation is an issue and until
125 there is a finished product, the government agencies are not willing to take ownership of the canal
126 nor the flood water. The irrigators have joyfully received that water and put to their use over the
127 years.

128
129 Kristin Forbis, resident on 1450 West agreed this is a complicated issue. Other cities have
130 beautiful features that work and they manage and this area could be pulled together with the entire
131 community. She suggested utilize funds that are out there.

132

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133 Mike Robinson, property owner at 288 North 1500 West, stated they have enjoyed the canal over
134 the last 30 years, and have asked what will they be left with once the pipeline is installed. There
135 has not been any answer to that question yet. When they were approached in 1992 for the
136 parkway project they did not think it would be maintained. However, they came to an agreement
137 and have spent a lot of money and time keeping trees cleared. He asked if the parkway remains,
138 who will maintain it and pay for it.

139
140 David Arnsbrak stated as he has researched this issue, he was struck by the amount of public funds
141 and enthusiasm in the community including donating benches, finding grants for sidewalks etc.
142 When the easement was granted he thought there was a long term commitment. However the
143 canal should have been lined a long time ago to save water.

144
145 Jody Robinson, 288 North 1500 West, asked if this will change the walking path and stated she
146 does not want the path in her yard. Aaron Averett stated there are funds to do a number of
147 different things and nothing is set in stone. He noted she does have property rights and if they
148 do not want a recreation easement in front of their property they have that option.

149
150 Councilmember Ted Munford stated the question that started the meeting is what role local
151 government should play in a canal company project. He thanked the residents for their comments
152 and suggested they put their head together to find a solution.

153
154 Commissioner Bart Haslem stated he is a farmer and rancher and many of the irrigators get their
155 livelihood from their land. He stated he does not want to hold up a decision that a private
156 individual is trying to make with their assets. He noted that the community is asking the farmer
157 and rancher to pay for something that is not their responsibility. If the elected officials are
158 concerned, maybe it should be the cities and county responsibility. The canal company and
159 NRCS is waiting for an answer so the agencies need to move forward.

160
161 Councilmember Corey Foley stated he is favorable with this concept being presented.
162 Commissioner Bart Haslem agreed.

163
164 Wayne Simper stated there has not been a decision if this area will be left open only to Main Street
165 or down to 500 South. He noted it would be more feasible to go to 500 South so they do not have
166 to cross over the roadway. He explained that after the last meeting, the NRCS wants the
167 mitigation to include water in this section to keep the trees alive. Commissioner Bart Haslem
168 asked if the Recreation District is willing to keep maintaining this section. Chris Abegglen with
169 the Recreation District answered they would maintain it. Councilmember Ted Munford noted this
170 is not the City's property and asked what is the irrigator's role in mitigating it. Wayne Simper
171 stated they want the water piped and are not willing to give up water rights for it.

172
173 Commissioner Bill Stringer stated the County has been down this road before when the canal
174 company wants to pipe the water and the County is using the channel for flood control. The
175 County already has the liability for the storm water entering the canal and will continue to use the

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176 channel for storm water. Quinn Bennion suggested there be a consensus that the City and County
177 like this latest design with putting the water right that is already owned into the canal.
178 Councilmember Robin O’Driscoll agreed a letter should be send stating they prefer this plan.
179 Commissioner Bill Stringer agreed this will have to be a compromise. The consensus of the
180 elected officials was to send a letter stating they prefer this plan.

181

182 **DOWNTOWN PLAN UPDATE:** This item was tabled.

183

184 **ADJOURN:** There being no further business; *Councilmember Nick Porter moved to adjourn.*
185 *Commissioner Bart Haslem seconded the motion. The motion passed with a unanimous vote and*
186 *the meeting was declared adjourned.*

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189 ATTEST:

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191

192

Roxanne Behunin, City Recorder

Mayor Pro Tempore Corey Foley

(S E A L)

AWAITING FORMAL APPROVAL