

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

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

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

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

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

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

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

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

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

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

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

Jon Stearmer, Uintah County attorney, stated that who has legal obligation is an issue and until there is a finished product, the government agencies are not willing to take ownership of the

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canal nor the flood water. The irrigators have joyfully received that water and put to their use over the years.

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

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

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

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

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

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

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

Wayne Simper stated there has not been a decision if this area will be left open only to Main Street or down to 500 South. He noted it would be more feasible to go to 500 South so they do not have to cross over the roadway. He explained that after the last meeting, the NRCS wants

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the mitigation to include water in this section to keep the trees alive. Commissioner Bart Haslem asked if the Recreation District is willing to keep maintaining this section. Chris Abegglen with the Recreation District answered they would maintain it. Councilmember Ted Munford noted this is not the City's property and asked what is the irrigator's role in mitigating it. Wayne Simper stated they want the water piped and are not willing to give up water rights for it.

Commissioner Bill Stringer stated the County has been down this road before when the canal company wants to pipe the water and the County is using the channel for flood control. The County already has the liability for the storm water entering the canal and will continue to use the channel for storm water. Quinn Bennion suggested there be a consensus that the City and County like this latest design with putting the water right that is already owned into the canal. Councilmember Robin O'Driscoll agreed a letter should be send stating they prefer this plan. Commissioner Bill Stringer agreed this will have to be a compromise. The consensus of the elected officials was to send a letter stating they prefer this plan.

DOWNTOWN PLAN UPDATE: This item was tabled.

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

ATTEST:

Mayor Pro Tempore Corey Foley

Roxanne Behunin, City Recorder

(S E A L)