

MINUTES of the public meeting of the Uintah County Commission held **August 28, 2024** in the Commission Chambers of the Uintah County Building at 147 East Main, Vernal, Utah. Meeting commenced at 3:00 pm.

PARTICIPANTS: Commissioners John Laursen and Sonja Norton; Brad Horrocks, absent.

ATTENDANCE: Mike Wilkins, Willis LeFevre, Quentin R. Johnson, Curt Smuin, Nolan Jackson, Arden Cook, Georgene Cook, William Merkley, E Jed Labrum, James Sharp, Dan Mortensen, Chris Laris, Christi Jenkins, Ashton Jenkins, Jon Murphy, Karen England, Belinda Johnson, Wayne Simper, Paul Chacon, Deanna Nyberg, Mike Davis, Melanie Silcox, Wendi Long, Zeke Atwood, Jeremy Raymond, Travis Campbell, Jess Hermann, Barbara Simper, Keith Despain, TJ Batty, and Jon Stearmer. Minutes recorded by Tai Duncan.

WELCOME: Commissioner Laursen welcomed everyone to the meeting.

PRAYER offered by Curt Smuin.

PLEDGE OF ALLEGIANCE led by Mike Wilkins.

1. APPROVAL OF MINUTES of the August 19, 2024 work session and August 20, 2024 meeting. Commissioner Norton was not comfortable with approving these today.

Commissioner Laursen tabled the approval of minutes until September 17th.

2. REPORT OF WARRANTS

Mike Wilkins presented warrants dated August 22, 2024 in the amount of \$404,017.51.

3. REVIEW and COUNTER SIGNATURE of CERTIFIED LIST of CLAIMS –

Mike presented one check as a claim. Check #393919 to Tech Logic in the amount of \$14,335.00. The invoice went to an employee's email at the Library that is no longer employed.

Commissioner Norton moved to approve the claim as presented. Motion passed unanimously.

4. TAX MATTERS - none

5. DISTRIBUTION OF STATE PILT MONIES

Commissioner Laursen stated the funds are released to the Uintah Fire Suppression Special Service District and they distribute as directed by the Commission. This year, \$305,521 has been received. These funds must go to a special service district, a school district, or institution of higher learning. He recommended the funds go entirely to the Fire SSSD.

Commissioner Norton moved to allocate the PILT monies in the amount of \$305,521 to the Uintah Fire Suppression Special Service District. Motion passed unanimously.

6. AWARD IFB: RECORDERS BINDERS – Zeke Atwood, Purchasing & Grants

The Recorder's office needs 1000 binders. In response to the solicitation, we received one bid; Plainsman of Sheridan Wyoming for the amount of \$169,000. Zeke has discussed this with the Recorder, Brenda McDonald. She indicated this bid meets her requirements and recommended approval. Commissioner Norton explained this purchase is in the budget as it was approved in the recent budget opener, which they estimated at \$175,000. These books are important to keep the records.

Commissioner Norton moved to approve the bid from Plainsman in the amount of \$169,000 as presented. Motion passed unanimously.

7. AWARD RFQ: COMPREHENSIVE SAFETY ACTION PLAN – Zeke Atwood, Purchasing & Grants
Due to scheduling conflicts for the review committee, they have asked to table this until the next meeting.

Commissioner Laursen agreed this will be tabled until September 17th.

8. ORDINANCE #08-26-2024 O1: FEE SCHEDULE

Jon Stearmer, Deputy County Attorney, noted this was reviewed in work session and nothing has changed since. He took a moment to review the highlights. The Cemetery Department has asked to add a distinction between resident and non-resident fees. Fees for nonresidents will be 50% more. Residents are those that live in or own property in Uintah County, paying property taxes. They must provide a utility bill or proof they have paid property taxes in the last five years. Some fees will be increasing. The Recorder had changes to the verbiage but not the fees. The Sheriff's Office has requested an increase in their GRAMA Request fee from \$4.50 per fifteen minutes to \$6.25 per fifteen minutes. The first fifteen minutes is free of charge. The fee has to be based on the salary of the lowest paid individual qualified to fulfill the request. Due to the massive remodel of the ice rink, they would like to increase the fees. These are nominal increases such as adults \$5 per session rather than \$4; 11 and under will change from \$3 to \$4. The ten punch pass will increase from \$25 to \$35. The party room is new and will be a fee of \$75. The Avaha rental will be \$90 per hour and the Oilers as per their contract.

Commissioner Norton moved to approve Ordinance #08-26-2024 O1 as presented. Motion passed unanimously.

9. ROCK POINT CEMETERY LEASE AGREEMENT AMENDMENT

James Sharp, Cemetery, presented the amendment. Caleb Taylor leases the property around the Rock Point Cemetery. The Cemetery now needs to be expanded as there are less than 100 spaces left. Caleb has been given notice that we need to expand and is not concerned with the change. He is excellent to work with and does a great job maintaining the property. Jon noted the amendment reduces his acreage to lease from 14.45 to 8. The only amendment is the adjustment to the acreage as he leases on a per acre basis.

Commissioner Norton moved to approve the lease agreement amendment as presented. Motion passed unanimously.

10. ORDINANCE #12-04-2023 O1: VACATING A PORTION OF A CERTAIN CLASS B ROAD - 1250 N located in Uintah County, Utah on private land owned by Christi Jenkins in T4S R21E Sec. 17 SLM and revision to the Transportation Plan Map

Jon noted there have been recent developments in the ownership of surrounding property. He suggested Jed Labrum, representing Christi Jenkins, speak to these changes. Christi has purchased the vacant 3.77 acres to the east. They have also made an offer on the doublewide. He has received an email from the opposing counsel that they want to move forward but the beneficiaries of the Oviatt Trust need to work things out and agree. He asked for additional time. Commissioner Norton questioned meeting statutes if this is prolonged. The land purchase alleviates some of the concern for the County. We are now dealing with the controversy of the property with the doublewide. This parcel only has access off 1250 N. The decision to split that parcel, as per a minor subdivision, was more than a year ago. If the Jenkins are able to purchase the doublewide parcel, then all landowners can sign off on the vacation and it can all be approved. If not, the lot still needs to have legal access. Jon's advice was to vacate the west portion of 1250 N 90 feet past the west property line of the parcel with the doublewide in order to maintain access for the doublewide as well as the vacant land. Now that the Jenkins' own the vacant land, the recommended line would be 90 feet past the east property line of the doublewide property. That allows most of 1250 N to be vacated and still allow legal access for the doublewide property. Other options include tabling to allow them more time to work out a purchase. Or, against his legal advice, vacate the entirety of 1250 N and leave the doublewide parcel without legal access. If a road vacation is denied, there is nothing that would stop them from applying for the road vacation again directly after. Also, they

could choose to make the road vacation contingent upon the acquisition or something being worked out.

Commissioner Norton likes the idea of waiting and giving them more time to work it out as long as there is no chance of violating rules or timelines; particularly if the request for time is coming from those requesting the road vacation. TJ Batty, executor of the Trust, stated he sent the proposal to the beneficiaries and they could not agree, it was accepted by one and rejected by the other two. He cannot force them to do anything. Commissioner Laursen asked if they could settle it by October 1st and TJ responded no. Christi Jenkins took a moment to speak. There are a lot of moving parts in this process and the truth is not always told. She has spoken with Phillip and Joell, two of the beneficiaries, and they have indicated to her that they do not hear about her offers. It is her understanding an offer of \$240,000 was revoked because of the sewer hookup and a covenant that has not been resolved. The White's have offered an easement to provide access and Marietta, the third beneficiary, has rejected that offer; she has not been willing to negotiate with the White's. If there is a lawsuit on the doublewide, she is willing to work it out with the beneficiaries at that time. She would like to see her request to vacate approved. She should not be the one buying her way out of her own property. She didn't cause this issue. A preliminary title search from 1995 shows each property down this lane had legal access through an easement. There isn't an easement for the Oviatt's because they didn't need one, they had access off 3000 W. She has not been provided with any documentation from the County that this is a road, since 1974. Hackfords moved in in 1976 and built the lane. Everyone in the area knows this is a private road. She has not seen any evidence that it is public. The gate across her lane is a big deal and a concern. She doesn't want it there and the fact they cut the lock is a problem. There is not enough room on this lane for two vehicles to pass. She has been blocked by utility services in her driveway for hours at a time. She is asking the Commissioners to vacate the road and she will work with the beneficiaries down the road. This is ongoing and stressful and she wants to be done with it. TJ appreciates the emotions involved. He understood 1250 N had to be a road in order for the Jenkins to build their home so it was to their benefit at the time. Now that others are benefiting, it is an inconvenience to her.

Jon clarified when the Jenkins lot was created, flag lots were not allowed in County code so they had to have access to a Class B road. The home was built based on the fact that it was a Class B road according to the research done by Community Development. Christi has her building permit and occupancy permit that it is a private lane – it's part of her Deed of Trust. Commissioner Norton noted this issue has been going on for quite some time and it is unfortunate that we don't have the same employees who could offer insight. Jed asked to clarify that he asked for additional time but Christi has made it clear she does not; she wants a decision. A road is only created in two ways and neither have occurred in this case. As there is an occupancy permit, the County approves of the home being there. The public has not used this as a road. The Oviatts caused this problem for themselves when they split the main parcel and started selling off the pieces as quickly as possible. Even though they knew the road classification was questioned. He strongly urged the Commission to vacate the road. Quentin Johnson is here for a separate issue but took a moment to address this because he worked for the Road department for 20 years, during this time frame. This lane was never once acknowledged as a County road. They were asked to work on it but could not because it was private. It was not on their maps. Jon corrected this road has been on the County Transportation map except for one year. He also reiterated the decision was made over a year ago to split the main property and the statute of limitations to question that decision has come and gone. In order to make sure that decision is honored, no matter what has transpired in the past, the doublewide must have access. It is possible to vacate to a specific point on the lane 90 feet west of the east property line of the double wide, parcel #04:102:0030. The east end of 1250 N would remain public but the Jenkins can put in a gate allowing access for neighbors only. Commissioner Norton agrees we should be held to what the County has done. If we vacate the entire road we go against a decision made over a year ago.

Jed agreed with Jon that the County is in a tight spot. Christi is correct that she didn't start this fight, she didn't ask for the minor subdivision to be done. Adjustments were made on the same day the request to vacate was filed last October. There are civil remedies to be taken if the road is vacated. The doublewide doesn't have all the necessary utilities. The water and sewer was hooked to the main home

that is now owned by White's. The party who created the problem should solve the problem. TJ noted he was directed by the Trust to split the property for the beneficiaries. It was not his intention to cause problems. The issues the White's are having regarding easements for utilities don't have any bearing on the road vacation. Jon stated the County is not disputing the contradictions. The parcel was split relying on 1250 N as a public road. He has offered a solution that would help alleviate issues for now. The remainder of 1250 N could be requested to be vacated and addressed later once an agreement is made between parties involved regarding the doublewide. There are narrow roads all over the County and first responder vehicles can find it difficult to get down them and turn around. Approving a road vacation with a contingency is also an option. The County could vacate the entire road making the eastern end that access the doublewide contingent on the sale or easement or some kind of agreement; whatever is needed for legal access as per Community Development. This would offer some finality and allow the Jenkins' to manage the lane beyond that parcel. TJ wanted to ensure they would be allowed access for maintenance if this is tabled for six months and they will have access. Deanna also clarified 90 feet of access is required for RA1 zones, depending on how it is done. A flag lot requires 90 feet and a 33 foot minimum. They need to provide access, according to code, in some way or another. TJ asked if they were required to limit their options to the Jenkins offers and that they are not. They can work something out with any buyer. The access must be provided to the parcel regardless of the owner. Christi noted any portion of the lane as public will not alleviate her traffic concerns; it is still so narrow they have to come down to her house to turn around in her yard. The access should go through the White's property just like it always had been and they even offered an easement.

To clarify, Jon said the road can be vacated with the portion that provides access to the doublewide contingent upon that parcel receiving access in some other way. That portion would remain public if nothing is worked out while the rest is vacated. Full disclosure in regard to selling the home would include the access is contingent. The County is not offering any suggestions on what is done in selling the property. Ashton Jenkins took a moment to point out the lane, 1250 N is included in the parcel that Christi Jenkins pays property taxes on. It is not separated out from the property like other public roads are. Jed stated, even if part of the road is vacated the remainder is public or an easement is done for the doublewide, it is still a taking, unless purchased. Commissioner Norton would like a little more time. Jon clarified if a portion of the road is vacated and the rest is not, they can come back at anytime to request the remainder be vacated; there is no fee. There are a lot of moving parts and this is a difficult decision to make.

Commissioners recessed for five minutes.

Jon cannot offer legal advice to outside parties but we recognize the situation and will not unduly harm any parties. The vacation request is before the Commissioners and there is no concern with tabling. TJ asked if the Trust could move forward in selling the property in the time before this comes before the Commission again. Jon noted that is a legal opinion he can't provide. TJ is concerned for the beneficiaries, they are expecting their inheritance to pay off debt and don't want to wait any longer. Jon noted a lot of people take risks when purchasing property. Jed will defer to what the Commission decides to do.

Commissioner Laursen tabled this item for no more than six months. A final decision will then be made and it will not be tabled again.

11. CENTRAL CANAL – Wayne Simper

a. INTERLOCAL COOPERATIVE AGREEMENT for STORM WATER SYSTEM PRESERVATION & ENHANCEMENT, ROAD CROSSING, and ROAD SAFETY FUNDING AMENDMENTS

Last Tuesday, the entities got together to discuss the interlocal agreement from 2020. It was agreed to amend it to limit the amount of funding the entities, Vernal City, Naples City, and Uintah County would be contributing to the road crossings. The original agreement said the entities would assume any additional costs but the bid came \$2.5 million more than anticipated. As per the recent discussion, the canal company has agreed to assume the additional costs beyond what the entities are willing to

contribute. Naples City has submitted another application to CIB requesting additional funding at 23% loan. They anticipated being able to reduce the bid by \$500,000. After negotiating with BHI, they can reduce it by around \$300,000. The canal company has agreed to cover that difference of \$200,000. The canal company just needs to get on with the project. Mike Davis, Naples City, created a sheet showing the maximum contribution based on percentages already agreed upon with the original estimate and CIB application. Vernal City would contribute an additional \$92,000 beyond the previously approved contribution; Naples City an additional \$170,200; and Uintah County an additional \$197,800. Vernal City voted last Wednesday to approve the additional amount as did Naples on Thursday. Wayne Simper, Central Canal, is here requesting the Commissioners approve their additional contribution of \$197,800. The interlocal agreement amendment will come forward for approval at a later date; we need the amount to put into the agreement. The CIB loan is a 20 year loan. Commissioner Laursen clarified if we approve the project but it is not completed, we won't be out that funding; we only pay if the project moves forward. The original contribution of \$74,250 is the cash match for the CIB portion and would be paid up front whereas the additional \$197,800 is paid over time. Jon clarified the total contribution that would be put in the interlocal is \$272,050 for Uintah County. The two cities have an upfront contribution as well. The Naples City CIB request includes their sister project regarding the storm drain. Commissioner Norton questioned agreeing to the contract before the interlocal is amended. Jon noted until the interlocal is signed it is not legally binding for the parties but the contribution amounts needed to be approved as part of the CIB application. If the project is reduced, the contributions will be reduced proportionally. Mike Davis agreed, we are just looking for funding commitments right now. The CIB application has been submitted and it will be presented on the 5th. Commissioner Norton agreed with amending the interlocal so it is not a blank check; a limit is important. Jon noted this will come out of flood mitigation. If the plans go south, we simply don't approve the interlocal.

Commissioner Norton had hoped Commissioner Horrocks would attend this meeting. It was scheduled to ensure all three Commissioners were available. He has a lot more information and has been involved since the beginning, he should be here. Jon agreed his absence is unfortunate. Regarding items 11a. and 11b., the Commissioners need to decide how much money the County can spend out of the flood control budget; this includes the grubbing and clearing. Wayne needs to know how much the County can commit to so he can move forward. He noted there may be other funding options as well. Mike Davis clarified B Road funds are probably not likely as they are a ten year commitment and the CIB loan is 20 years, unless the County chooses to do a lump sum payment. Keith Despain, Vernal City, stated the meeting they held in which Commissioner Horrocks was present was a unifying discussion. They felt they came to a good position with all entities. The interlocal is scheduled to go before the Vernal City Council September 18th and he is comfortable it will be approved. Jon clarified today's request is to approve the dollar amount cap that will go into the interlocal, which will come forward for approval at a later date.

Commissioner Norton moved to approve the maximum contribution of \$272,050 with \$74,250 as cash up front and \$197,800 for the loan as presented and will be formalized in the interlocal agreement in the near future. Motion passed unanimously.

b. CLEARING AND GRUBBING

Wayne noted a lot of time has been spent talking about this and working out the details on where to clear and where to save money. The bid documents included these specific details and requirements and the bid came in at \$906,315 from BHI. NRCS, Natural Resource Conservation Service, will pay 75% leaving the remainder of \$226,579 to be paid by the County. BHI would have to coordinate with the Road Department and the Canal Company particularly along areas of the canal with homes. We want to give individuals the opportunity to keep their trees alive. There are some groves that are showing they can maintain without the canal. But there are definitely areas that need cleaned out and address line of sight issues. There are many places with a clear impediment of the canal. The question is can we afford to do it all now while the equipment and work is going on or limit how much is done and work on less pressing issues in the future with the risk of additional cost. Commissioner Norton was surprised at the cost, she remembers the original estimate to be closer to \$400,000. Wayne noted there are places where

the County could scale back and reduce costs but the canal bottom still has to be cleaned. The areas that deviated from the pipeline easement are included in the bid so as to save the County some future maintenance. Mike Wilkins stated the amount is in the 2024 budget.

Commissioner Norton moved to approve the clearing and grubbing with the cost to the County of \$226,579 as presented and coordination as needed. Motion passed unanimously.

c. NRCS GRANT NOTICE OF AWARD

Central Canal has received notice that they have been awarded the grant from NRCS in the amount of \$14,689,011.00. NRCS has taken a year to get the funding together for this grant. Wayne hopes this is not the total amount that will be approved, they hope for additional funding in the future. Central Canal will need to come up with around \$4 million. The overall bid from BHI was \$19,447,494. This is not all that must be done to complete the project; there are other pieces of the puzzle with their own expenses. Power poles will need to be moved but that will be addressed at a later date. The overall cost is around \$20 million. BHI plans to bring in two crews from the Wasatch Front, one from Southern Utah and one from Colorado and will need housing. Commissioner Norton asked if the road cuts were part of the overall grant and they are. The CIB expectation is \$2.5 million in grant and \$1 million in loan; these are rough estimates. Commissioner Norton exclaimed how difficult it is to keep track of how much and where all the funding is coming from. The grant includes engineering. The other canal projects were more along the lines of 50/50 grant and match and as such, they were able to get their projects done sooner.

Commissioner Norton moved to approve the NRCS Grant Notice of Award in the amount of \$14,689,011.00 as presented. Motion passed unanimously.

12. LIBRARY BOARD APPOINTMENTS

Commissioner Norton noted there were three openings on the Library Board and they received 12 applications; which is fantastic. She recommended they appoint Mary Fontes, Amanda Jenkins, and Katrina Jensen to the Library Board.

Commissioner Laursen moved to appoint Mary Fontes, Amanda Jenkins, and Katrina Jensen to the Library Board. Motion passed unanimously.

13. PUBLIC COMMENT –

Quentin Johnson, Chairman of the Uintah Water Conservancy District, noted the UWCD Board has nothing to do with the canal companies. The Board requested the General Manager, William Merkley, write a letter to the Commissioners regarding the Via Ferrata project. Quentin as asked to read it for the record.

“Dear Commissioner Norton,

At Their regular meeting, held Tuesday, August 13, 2024, the Board of Trustees (Board) for the Uintah Water Conservancy District expressed strong opposition to the Ashley Gorge Via Ferratta project and asked that I communicate their concerns to Uintah County officials.

Due to the proximity of the proposed project to Ashley Springs (Springs), which serves as a critical source of drinking water for the Ashley Valley and surrounding communities, the Board is concerned that inviting the public to recreate in and around the Springs in this manner, or any other form of recreational development, could lead to contamination and/or flow disruption. Loss of this water source, either by intentional vandalism or simple carelessness, must be considered above all else including assertions of positive economic return and the supposed need for increased public outdoor engagement.

We are blessed to live in an area of vast natural beauty. Because so many recreational opportunities exist, it is difficult to understand why an area such as Ashley Springs has been singled out for development. When the area was threatened by a phosphate mining proposal, the community rallied around efforts to protect the Springs. For this express purpose, the property was then conveyed to Uintah County. The Board feels that, rather than trying to mitigate risk, Uintah Cunty should explore other options, other areas, for the Via Ferratta project

The Board respectfully requests that the Ashley Gorge Via Ferratta project be abandoned, that all

materials be removed, and that the area be restored and reserved as intended.
Sincerely, UWCD, William Merkley , General Manager”

Additionally, there are two sources of water for the County, Ashley Springs and Red Fleet. UWCD delivers from Red Fleet and there are pumping costs and treatment costs associated that are missing from Ashley Springs which is gravity fed. Red Fleet water costs users three to five times more. The Board is concerned if Red Fleet was the only option the capacity at the treatment plant is questionable for a growing community.

Nolan Jackson, Maeser Water Improvement District, also had a letter to read for the record.
“County Commissioners and Planners

At the regularly scheduled meeting held on July 11, 2024 the Maeser Water Improvement District board of directors met and discussed the posted agenda item of the Via-Ferrata project located at Ashley Springs. At the end of the discussion there was a motion made and passed that determined the official position of the Board of Trustees concerning the location of the Via-Ferrata at Ashley Springs. The motion was that the construction of the Via-Ferrata at Ashley Springs be permanently halted and Ashley Springs remain preserved and protected from the public, motion by Nola Jackson, Kevin VanTassel second, GaLynn Oaks yea, Robert Leake nay, Richard Jolley yea. Motion carried. As a board of elected officials representing the public drinking water system for the Maeser area that serves approximately 1,360 water connections we would earnestly request that you, as elected officials recognize the importance of preserving and protecting the Ashley Springs from any development, commercial, industrial, recreational, or residential and the public at large. We would request that the project be relocated away from Ashley Springs. We also request that the constructed portions be removed from this area. Finally we want you and the public to know that we are not against the Via Ferrata or the organizations that have put it together; it is the location of the project and its potential impact on the Ashley Springs drinking water source that we are against.

Sincerely, Maeser Water Improvement District Board of Trustees”

Georgene Cook is a concerned citizen who took a moment to read the letter that was written by the Jensen Water District August 15th.

“ Dear County Commissioners,

In 2020 the Bureau of Land Management granted Uintah County the land containing Ashley Gorge for management as open space to protect the watershed and underground karst system and aquifer.

- A. The conveyed land shall be managed as open space to protect the watershed and underground karst system and aquifer.
- B. Mining or any form of mineral development on the conveyed land is prohibited.
- C. The County shall allow for non-motorized public recreation access on the conveyed land; and
- D. No new roads may be constructed on the conveyed land.

It states the county shall allow for non-motorized public recreation... which allowing current recreation of fishing, hiking, is enough to satisfy the requirements of this agreement. Why open this protected area up to advertising the location, bringing in thousands of visitors and taking the chance that it could potentially damage our critical water source for our community.

Congressman Rob Bishop bill authorized the transfer of the approximate 700 acres of land for water protection zone for Ashley Creek and Springs Culinary water source.

As elected officials it is our duty as well as yours to protect our watershed. Under the Uintah County zoning and patent Chapter 17.24 Ashley Springs Protection Zone.

17.24.010 The Ashley Springs Protection zone has been established to protect the geologically and environmentally sensitive area located within the zone, to avoid pollution or disruptions of water sources, and to protect other health and welfare factors.

Allowing 5,000 plus visitors a year into this location isn't protecting the sensitive areas. It's opening the door for vandals, graffiti, trash, human and animal waste and the potential of disruption and contamination of Uintah County's drinking water.

The Via Ferrata would be a great outdoor recreation for Uintah County, but the location that has been selected isn't the right spot. Many other canyons and gorges would work great for this rock-climbing park

and these outdoor enthusiasts.

We, the board members of Jensen Water Improvement District, are writing to you to address our concern and opposition to the Via Ferrata Rock Climbing Park being built at Ashley Gorge. We are fully against it being built at this location and ask that you move this to a different location and remove all equipment that has been installed.

Sincerely, Jensen Water Improvement District Board Members"

On a personal note, she can tell the difference when her water is supplied by Red Fleet vs Ashley Springs and she much prefers the Springs.

ADJOURN: The meeting adjourned at approximately 5:03 pm.



JOHN LAURSEN, CHAIR



MICHAEL W. WILKINS, CLERK - AUDITOR

