



MURRAY CITY MUNICIPAL COUNCIL CANAL MEETING

The Murray City Municipal Council held a Canal Meeting on Thursday, May 9th, 2013, at Murray City Municipal Center, Rm. #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Brett Hales	Council Chair
Dave Nicponski	Council Member
Jared Shaver	Council Member
Darren Stam	Council Member

Members Excused:

Jim Brass	Council Member
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Others in Attendance:

Tim Tingey	ADS Director	Ted Eyre	Citizen
Frank Nakamura	Attorney	Janet Towers	Citizen
Doug Hill	Public Services Director	Daren Wightman	Citizen/Fire
Janet Lopez	Council Administrator	Heather Hatch	Citizen
Kellie Challburg	Council Office	Jessica Goodman	Citizen
Beth Graham	Congressman Matheson's	Connie Mooy	Resident
Peter Samore	KSL News	Gilbert Gonzales	Inspections
John Brown	Murray City	Pat Bell	Citizen
Alan Bell	Citizen	Brian Shiozawa	State Senator
John Dye	Citizen	Rick Pearmain	Citizen
Kim Poulson	Citizen	Johnny Anderson	Utah House

Mr. Hales welcomed all in attendance to the canal discussion. It will be renamed as a task force, once the resolution is approved by the Council on May 21st, 2013.

Mr. Hales asked if everyone would introduce themselves.

Mr. Hales said the Council was moved by the comments and emotion at the Council Meeting. It was fortunate that there was a Council Meeting a couple of days after this canal breach. It was very fresh and the Council appreciated the emotions and comments by the citizens.

Murray City has limited control over the oversight and authority of the activities of the North Jordan Canal. It is an entirely separate entity. The canal representative wanted to attend but had a conflict. North Jordan Canal sent a letter saying that a representative would be present for the next meeting and possibly for the passing of the resolution.

One of the citizens, John Dye asked that the City form a task force, and the City has taken that to heart. Murray City owns a couple of shares of the North Jordan Canal water that is used to irrigate the Winchester Park Duck Pond, Mr. Hales disclosed.

Mr. Hales explained that the City doesn't have the right to speak for the Canal Company, but the Council would like to know how the Canal Company is responding and if they have kept up with their commitment.

Mr. Hales is acting as the Chairperson currently, but Mr. Nicponski asked that the Chairperson be Mr. Brass. Mr. Brass has experience in this area, and he will take over as Chairperson at the next meeting.

Mr. Nicponski expressed that Mr. Hales had covered the main points and confirmed the fact that the City doesn't want failed expectations. He thinks the most important thing the Council can do is get feedback from the residents relative to the anticipated response from the North Jordan Canal Company. He explained that there are expectations outside of this room, and others may join the meeting. The recipients of the canal water are also interested in the direction that this goes. It is fortunate to have the State Senator, Brian Shiozawa in attendance and the House Representative Johnny Anderson is on his way. The cities are entities of the State. If there is something that is not within the city's purview, sometimes the Legislature can help the cities get what they want. That is why the Legislators have been asked to attend this meeting. It is good to be prepared in case it gets to that level, noted Mr. Nicponski.

Mayor Snarr expressed appreciation to be there and plans on being a good listener.

Mr. Shaver asked the residents if they had seen the adjusters and if they were working well with the residents in the neighborhood. Mr. Shaver asked those to speak up because the meeting is recorded, and please state their name.

Ms. Goodman stated that she had a good discussion with Matt Basham, one of the adjusters. She asked for a timeline on when a determination of liability would be made. Mr. Basham told Ms. Goodman that by the first of next week there would be some answers. Ms. Goodman said she felt like the conversation went well, although she is not fully trusting of any one at this point. Their house and neighborhood has been put in complete distress. Ms. Goodman talked to Mr. Basham about some concerns, including time off from work. She asked what the determination of liability would mean. Mr. Basham said it would not necessarily say that the Canal Company was liable, but that costs would be covered and those costs are yet to be determined. Ms. Goodman said that it leaves her with questions and anxiety. Mr. Basham expressed to Ms. Goodman that he is her friend and will present the damages to the insurance company.

Ms. Goodman said the canal itself is a separate issue and that is why they are at the meeting. The homes and losses are separate; and the adjusters don't have anything to do with the canal.

Mr. Shaver stated that he saw two different issues:

- There is representation that there is reimbursement or a remedy to the damage to their homes. He asked how many are still out of their homes. Someone has to determine what can or cannot be repaired, and come up with a number, and;
- The canal.

Ms. Goodman said that everyone is holding their cards close to them and won't say anything they could possibly be held to. Ms. Goodman said she writes everything down.

Mr. Brown said that the adjusters were in the homes today and he found one in his basement walking around. The adjuster mentioned that he had been in Ms. Goodman's home on Friday. Ms. Goodman expressed desire that the adjusters contact them and let them know when they would be in their homes. She has been trying to get back to work. Mr. Brown said he checks in on the house every morning. The adjuster had asked him who he was when he was in the basement. Mr. Brown told him he was the homeowner.

Mr. Shaver said the adjusters would be cautious because they don't have a real number yet. They have to do more than just look at the damages.

Mr. Brown said the homeowner should be with the adjuster to tell them what was in their home. Ms. Goodman believes the adjusters should make an appointment with the homeowners. Mr. Brown said the adjuster asked him questions about types of countertops, etc. and Ms. Goodman hasn't had the opportunity to tell the adjusters what was in her basement.

Ms. Bell commented that the homeowners should insist on appointments with adjusters. Mr. Brown said that he would prefer an advance call and prepare to be there with the adjuster.

Ms. Mooy said she is distressed as a homeowner and asked if the homeowners signed something giving permission for the adjusters to be in their homes. Ms. Goodman said her house is wide open with no windows or a basement door, as is the Brown's home. Ms. Mooy said something should be done to rectify that arrangement.

Mr. Nicponski asked Ms. Mooy if she had damage to her home. She replied that she has been raking mud daily, but the groundwater issues are getting better.

Mr. Stam asked if there are extra police patrols in the area because the homes are open. Ms. Goodman said she has taken most of the valuables out, and is staying in the RV, 4 houses down, to keep an eye on the house since it is wide open. Mayor Snarr said the best eyes in the City are usually the neighbor's eyes. Ms. Goodman replied that the neighbors aren't living there. Mayor Snarr replied that there are neighbors across the street. He encourages them to ask the neighbors to keep an eye on things. Mayor Snarr said that the officers can drive down there but there will be times that they are called away on business. Ms. Goodman said that she has seen a greater Murray police presence than ever and it has been wonderful.

Mr. Shaver asked if Ms. Goodman received a card from the adjuster. He recommends that she call the company and ask for appointments before they come on the property.

Mayor Snarr said that he has dealt with adjusters in the past. They come with an estimate and a contractor that would do the whole project from top to bottom. That doesn't necessarily mean that you have to use that contractor; you can also take the check and find your own contractor, similar to car repair.

Ms. Goodman said she understands that but is concerned about an earlier meeting they had with: insurance adjusters, the attorney for Arch Insurance Company, Mr. Van King, and the attorney for Kennecott. It was supposed to be a friendly meeting about storm water, but the concern was the Kennecott attorney said that maybe the plat wasn't approved. Ms. Goodman works for a title company and pulled the plat, and it was signed. Then, they said that maybe the properties were encroaching on the easement. Ms. Goodman said that she hasn't received a survey but is pretty sure that that is not true. She left the meeting feeling a little concerned about their motives.

Mr. Nicponski asked about the meeting. Ms. Goodman said it was a meeting mainly to discuss storm water but then evolved into more than that. Mr. Nicponski asked if the Canal Company solicited the residents to come to the meeting. Mr. Dye said the meeting was held at his house and he solicited the meeting so that all parties could get together. He said the residents wanted to meet Mr. Van King.

Ms. Goodman said that there was a question because on the Canal Company's website it said the president was Keith Hanson. Keith Hanson has passed away, so Mr. Van King is the acting president. He also maintains the water for Kennecott. That helped clear things up. He is the asset manager for Rio Tinto and acting president for North Jordan Canal.

Mr. Nicponski clarified that David Byrd from Parsons, Behle & Latimer attended as well as Ryan Atkinson, who is the attorney for Arch Insurance.

Mr. Shaver said that usually adjusters won't assume liability but attorneys would define liability. Mr. Dye said that soil samples and case law would determine liability.

Ms. Bell said a major concern she sees is that neighbors do need to watch out for each other. However, there is a canal road right behind the houses that is open and accessible that no one can see. There is no visibility behind that canal or behind the homes; neighbors can be friendly and watch but there is open access there.

Ms. Mooy said she is a very watchful neighbor. A couple of years ago her next door neighbor's house was broken into in the daylight while she was home. It was the opposite side of her home, and she had no idea. She believes the security of those homes needs to be addressed right away.

Ms. Goodman said that the "looky-lou's" are unreal. There is non-stop traffic on their street, possibly shareholders driving by also. She is worried about a boulder falling on someone in their backyard.

Ms. Goodman stated that they have pretty much lost everything. The basement had all of their memories, so a flat screen TV being stolen is not as big of a worry. She does think it is a safety issue and would like to feel secure at night. She said the neighbors tried to kick a Murray firefighter off their property the other night, not knowing he was a firefighter. So, the neighbors are trying to watch as much as they can.

Ms. Mooy said besides the threat of theft, vandalism is rampant also. It is possible that taggers could come in and tag the whole residence.

Mr. Hales confirmed that the neighborhood is seeing an increased police presence. The residents agreed and said there is a lot of traffic currently on the road.

Mr. Pearmain walked in late and introduced himself.

Mr. Shaver asked if there were any more questions about the adjusters or the insurance at this point.

Mr. Brown said that core samples were taken and it would still be a couple more weeks until those results come back. Samples were taken from 7200 South, and around the corner to Winchester Blvd., along the canal road. This is still in the first stages of the process. The samples are core samples taken about 30 feet down, well below the canal service road.

Ms. Mooy asked if they are comparing the core samples to the north side of Winchester Street as well. Ms. Goodman said she believes it was Winchester to 7000 South, and she thought it was just on one side.

Mr. Shaver said that there are the two issues, and the first is making sure the homes are secure and getting the residents back in their homes.

Ms. Goodman said that the disaster clean up guys have been amazing. Mr. Brown agreed and said they really are doing a great job. He said that the HVAC units have been yanked, and water heaters are gone. They are building the boxes for the lower portions of the filter system today, and the HVAC units should be back within the next couple of days.

Ms. Goodman said that her basement entrance door was sitting out and they were trying to install it that night, even without a lock. She said the disaster people are working like crazy, and she hopes that they are getting paid.

Mr. Brown said that as far as the egress is concerned with the basement, everything is still boarded, without windows installed.

Mr. Nicponski asked if the Canal representative talked about stabilization and reinforcement and the timing for these things. Mr. Brown replied that it wasn't really discussed. Mr. Nicponski said he would hope to have that topic covered at the next task force meeting. Ms. Goodman said that is a big part of making the residents whole. Mr. Nicponski said they should talk about reliability and safety.

Ms. Bell said that they go to bed at night and are worried because they are on that canal also. It indirectly affected the whole neighborhood. She was worried when the core samples were taken, if that caused stress on the canal bank. They were pounding constantly on it, with huge trucks going back and forth on it. It seems it must be causing some kind of stress. She doesn't know if it would relate to further problems. She would like the Canal Company to appease the neighbors a bit.

Mr. Nicponski said that Murray's control parameters have been mentioned. He would like some input from the permit expert, Gil Gonzales. Mr. Nicponski asked Mr. Gonzales if Murray City have any process or requirements at all, relative to canal companies. Mr. Gonzales said that the City doesn't have any requirements relative to canal companies, just the subdivisions itself. Geotechnical engineers did a report that addressed many issues. Mr. Nicponski asked if the City engineers would be involved in the rebuilding process of this canal. Mr. Gonzales commented that he couldn't speak for the City engineers.

Mr. Hill said he could speak to that. The City is only involved to the extent that they are allowed to be involved. The City has been involved with the Canal Company in the past. He stated that the City participated in a box culvert that was constructed north of Winchester Street. Murray City was a financial participator in that project. The City was invited to all of the design meetings to meet with their engineers and geotechnical people. The City wasn't allowed to approve the plans, Murray City engineers and others could make comments. The City didn't approve the plan or issue any permits. Murray City doesn't want to become liable for what the Canal Company does.

Mr. Nicponski said he wanted that shared so the residents could get an idea of what the City's span of control really is.

Mr. Shaver said that he heard Mr. Dye reference legislation at the meeting. There is legislation that states that a canal company must meet the criteria, but it is voluntary rather than mandated. He said one of the issues that they are facing now is who has oversight, he noted. Obviously, Murray City does not have oversight, and it doesn't seem like there is strong oversight from either the County or the State. There are specific mandates on building a street, or a home, but it doesn't sound like there is any of that as far as the canals are concerned on the state level, or on the county level. He said he went back to the code to see what the statute said and it doesn't state that anything must be done. Mr. Nicponski said that is not a mistake in legislation. That legislation was attempted to be strengthened, but it was diluted because of the Canal Companies presence on Capitol Hill. That was the end result, he stated.

Mr. Shaver said he agreed but it goes to the issue of this breach; but what about a breach in another location, or part of the State. He said that people can't live in their home in fear; whether it be from a canal or a robbery. Ms. Goodman remarked that she has small children, and had a playground, and a fire pit. It was a beautiful backyard she stated, as were all of the backyards.

Mr. Shaver said part of the issue should be that the government is there to help and protect as best they can. Obviously, the law shouldn't be so strict that there are commandments in everything that happens. In dangerous situations, there should be reasonable protection from whatever the threat happens to be. He clarified that he is not saying that there wasn't protection in the canal breach. Somewhere along the line, there has to be something that says that this would be a reasonable effort to make in providing that protection. He commented that they have talked about the police force and the Mayor made it clear that he would love to have his officers there 24 hours a day, but that isn't going to happen. The City can't afford it, number one. Number two, things happen all over the City, and they would be pulled away. It isn't reasonable to expect that the police force could be everywhere. Reasonable protection is something that should be looked at or adjusted. He said that is a discussion in how to do that; whether it be from this task force, or representatives that are here tonight from the State and County.

Mr. Brown said there is a real gray area between these two entities. Unless it has been in the media, like the Murdock Canal or the Logan Canal, they run fairly unregulated. No one really knows what the other one is doing. Someone can dig a hole and throw water in it; that is not regulated.

Mr. Shaver said as a child he would love to run up and down the canal.

Mr. Brown said there have been improvements made on the other side of Winchester St. The fact that these core samples have been dug on that stretch, leads him to believe that there will be improvements made on that stretch. Mr. Nicponski asked what stretch that was. Mr. Brown replied that it was Winchester to 7200 South.

Ms. Mooy said she is aware of the two issues. The homeowners' repairs; and the immediate canal that is backing Murray Bluffs II. The other picture here is that she would like canals, in general, in Utah to be regulated. She said that there are canals everywhere in this County; near school grounds and residential neighborhoods. She hopes that they can be regulated, so that every breach, small or large has to be discussed. She hopes they can be prevented first. One thing that wasn't clear at the other meeting, was the comment that the Canal Company made about being in business since the 1800's. She said that nothing lasts forever; repairs need to be made and it needs to be taken care of. When she had groundwater, she took precautions and repaired what needed to be done, put in pumps, and then put the house back together. That is what needs to be done with the canal. The valley is growing and people are coming here. The canals are not going away, and need to be regulated. The canals are a hazard and something needs to be done to make them functional but without problems. There are safety issues as well, with small children running around them.

Mr. Shaver said that from the Canal shareholders perspective, a breach costs them money. If the canal empties onto dry vacant land, the company loses money. They would have gained money had that water been delivered to where it was supposed to go. It is not in their best interest to have a canal breach. The challenge is how to balance that for them as well as the citizens. If the water is not going where it is supposed to, then there are problems. If a pipe is broken and the water isn't going to your house, a phone call would be made asking for water.

Ms. Goodman said that a Facebook page had been created and is managed by John Dye. Mr. Dye has made a video of storm water fixes. Ms. Goodman said the dirt is piled up, and it looks like dirt, not sand. She said she realizes that the Canal Company is losing money every day and the company said they are doing a temporary fix and installing a storm water pipe. She said she is scared that they are building it back to fill with water. She asked what Murray's involvement would be in that. She said that the dirt is high and is concerned about rain runoff. Her family had to recently sandbag the entrance to the basement because the water was running in. Her husband filled up over 100 sandbags himself. Her concern is that they are filling it up with dirt and installing the storm water pipe. What if they decide to fill it up with water, what involvement would Murray have, she asked.

Mr. Hill said that is the problem that Murray City isn't involved, even if they wanted to be. Ms. Goodman replied that the City is a shareholder. Mr. Hill confirmed that the City has ten shares.

Ms. Goodman said she would lay in that canal if they start filling it with water.

Mr. Hill said that ultimately it would have to be the State's decision to step in. Not only are there canals in Murray, they are all over the state. This canal goes beyond Murray City limits. The Canal Company isn't telling Murray what the repairs will be, although ultimately they will. Mr. Hill has had multiple conversations with Mr. Van King over the last couple of weeks. He doesn't want to give the impression that the Canal Company isn't talking to the City. They have said that they would like to bring a solution to the City, probably to ask for funding also. He said the Canal Company is talking to the other cities also, but not asking for approval before they put the water in. That is the problem, and Mr. Hill said ultimately it needs to be addressed at the state level. The Logan canal was an awakening for a lot of people, but even as a city, Murray would look to the state to help solve the problem.

Mr. Dye asked if the Canal Company does decide to ask for funding from the City, if that needs to be done before June 4th when the budget is voted on. Mayor Snarr said there can always be an opening made in the budget process.

Mr. Pearmain asked what group ultimately grants approval for water to flow through Murray.

Mr. Hill said that ultimately it goes back to the Utah Lake agreement.

Mr. Nakamura said that water rights are controlled by the State Engineer. It is a multi-jurisdictional issue. Obviously, Murray cannot have any say in regards to the water, as it crosses through Murray and into the other jurisdictions. It is a State issue. He has read some cases and seen some cities regarding the point of diversions; at times that complicates things. Ultimately, it is the State Engineer that controls water. The State controls the Jordan River also. The reason for that is that it is a multi-jurisdictional issue. There can't be differences in city regulations along the way, simply because it is flowing through their jurisdiction. He said that is the intent of the resolution on May 21st, 2013.

He believes that the residents' concerns need to be addressed to the North Jordan Canal, and they need to answer the questions. The City's role in this is to facilitate that discussion and promote answers from the Canal Company. City staff will be watching as the residents ask their questions and look for the responses from the Canal Company. That is what the City can do. That is the intent. The key to this is to have North Jordan Canal Company sitting across the table from you. They are the ones that can give the answers. The difference is that there will be a lot of observers to their responses. It should be a direct communication between the Canal Company and the residents.

Mr. Nicponski said Mr. Hill has been in contact with them and has been the connection. Mr. Nakamura believes that the Canal Company will sit down and hear the questions. Mr. Nakamura said he understands the concerns.

Ms. Hatch stated that she has a home in Bluffs I, directly across the canal. She is concerned that this would happen again. She would like to know what the steps would be to secure this canal. She has learned tonight that the Canal Company does not have any regulations or certifications outside of their own company that they have to answer to. Obviously, this is a major problem. She would like to know what steps would be taken to ensure this doesn't happen again. She said many people have questions as to why a Canal Company that has so much water running through it and can do this kind of damage isn't regulated for

basic safety. She asked why they don't have to answer to the state. She would like to invoke some kind of action by the state to regulate canals.

Mr. Shaver said unfortunately the City Council cannot force the issue with the state any more than a citizen can. Murray is just one part of the multi-jurisdiction. The best resource would be the State Engineer on that level.

Mr. Johnny Anderson said he could have the State Engineer or someone from their office at the next meeting to answer these questions. They may very well play a role in this and in the reconstruction, he stated. Mr. Nicponski commented that would be very helpful. Mr. Anderson said he is hopeful that they will have answers very soon that the canal going through Bluffs I and II is safe. Obviously, it is going to cost the Canal Company money. If Murray ends up participating in that, then possibly the State could participate in that also. Mr. Anderson said that he and Senator Shiozawa could try and get an appropriation in the next legislative session to help. He cannot guarantee it, but he is willing to try. As discussion is happening about regulating these Canal Companies, one of the representatives could run a bill or work with Senator Okerlund and work on strengthening the bill that originated in 2010. Everyone just needs to understand that there are a lot of canals in this state. This is a desert with a lot of irrigation.

These shareholders of the canal companies are major players. Mr. Anderson said that can be a little tricky when running legislation to regulate them; but at the same time, they are people with large targets on their back when citizens tell them that the canal that they own shares of just dumped into their houses. He thinks that the major shareholders are another group that possibly should be talked to. He stated that he realizes that one of the shareholders has their own mess to take care of right now, but the others have plenty of resources. Public relations is important if it goes in that direction. Pressure could be applied during the legislative session. The regulation that is in place only needs to be met if the Canal Company is seeking a loan from their reserve fund. With the right kind of pressure in place, the groups that worked against it in the past may decide to work for it. The pressure has to come from this group. He said costs should be figured out, and the Engineer involved and look to where the money can come from to fix it.

First and foremost, the residents need to be made whole and that canal needs to be fixed. Then, the work can begin to make sure there is something in place to keep this from happening in the future.

Mr. Brown asked if there was any water in the canal past Winchester. The answer was that nothing is moving, just leftover storm water.

Senator Shiozawa commented that Representative Anderson did a wonderful job in terms of articulating how important it is to get the State Engineer involved in this. Water rights is a huge thing. He said that he and his wife just discovered that they have water shares. He agreed with Representative Anderson that first and foremost, the citizens need to be made whole. Then, the other issues could be looked at, such as regulation. He said there are a lot of influences at play, but this gives time to move forward to some regulation. He said he would have a conversation with the engineer about remedies before meeting with Senator Okerlund next week. He noted that there will be enormous pressure on this Canal Company to reopen as quickly as possible with summer coming up. On one hand, that puts you at risk. On the other hand, it gives a lot of leverage.

Senator Shiozawa said he would work with Representative Anderson and appreciates the residents allowing him to come to their homes. He appreciates the opportunity to come to the Council meeting also. He stated that Murray is a great city and would look after its residents at the local level. He said he would call the engineer tomorrow, and he urged the residents to call also, but said sometimes it does help move things along by having an office on the hill.

Mr. Stam offered to give Senator Shiozawa a little ammunition for the bill. He stated that he is in construction and over the last few years, there have been several changes made in building codes. One of the things that a Canal representative might say is that it has been working for the last 200 years without any problems. It should be packed down and more stable, but just like in the building codes, the ground is moving all the time. The big changes in construction recently are changes in earthquake codes. One of the big changes hitting Utah now is called story drift which allows the building to sway. Sure, the canal has lasted a long time, but the ground is moving. Who is verifying that the ground along the canal hasn't moved, he asked.

Mr. Nicponski said he appreciates the comments from Representative Anderson and Senator Shiozawa. They understand what the regulatory authority is. It is also important to look at a proper assignment of liability, so that the citizens aren't getting asked questions from the attorney for Kennecott. That can be troubling when those questions are asked and makes you wonder if you are going to be made whole. He believes that this has been helpful in sharing it with the Legislators.

Mr. Shaver asked Mr. Dye about the Facebook page. He asked what kind of comments he is seeing and how broad the comments are. Is it a local response or people farther out, he asked. Mr. Dye said that it has been purposefully kept small. Initially, he wanted to get the media involved. Mr. Dye stated that he thinks for an effective change to be made, the residents need to know what buttons to push. He would like to keep it insulated, thinking it can also act as their enemy now. The canal and the insurance representatives are now at the table. If they become uncooperative as the residents see it that is when the media re-enters the picture. The residents will fight fair, not dirty. Ms. Goodman said it is a positive page. Mr. Dye agreed it is a positive page and has about 80 members, and is by admission only.

Mr. Nicponski asked the Mayor if he had any comments before leaving. The Mayor responded that it had been a very productive meeting and appreciated all the comments. He believes the City has represented where it stands and appreciates the Legislators coming and their willingness to step up and see what can be done. He thinks that the owners of the Canal should do everything to make it right. It is critical for them to get the water running again and get those resources downstream. He said he thinks there will be a lot more discussion when the Canal representatives come to the table.

Mr. Nicponski said he agreed and believes the Canal owners will not want the negative impact. Once the media gets involved, it gives the Legislators more ammunition when dealing with them on Capitol Hill.

Ms. Mooy would like to disagree with Mr. Dye on the Facebook page. She believes it should have two separate purposes. It has been relatively positive and has been a good thing, but she believes that if there are people not close to this situation reading some of the comments, they may be taken back, especially if they are from the insurance company. She thinks that they need to be very careful with that.

Ms. Mooy remarked that she feels much safer texting and driving, than she does living near that canal. When looking at that legislation and comparing it to her teenagers that don't text and drive because it is against the law, and often sees people older than 21, texting and driving. They are the ones texting and driving, and their age group is not regulated. She asked why a canal can't be regulated. She stood in the water rushing towards her house, where it was ending and said that if she had been 15 pounds lighter, the water would have taken her under. She said that most laws make sense; such as seat belts, texting, driving under the influence. If there is a way to regulate something as violent as water, then it should be done. Things that are controllable are regulated, and things such as water that may not be controllable should be regulated.

Ms. Bell said her concern is that there are a lot of people downstream that want that water and need it for many purposes. They are going to push to get the water running. As Mayor Snarr said, the Canal Company is going to work to get it done. She hopes that they work to get it done properly, and not just to supply the water that is in demand down the road. Money speaks, and even though they may not want bad publicity, that money that will come into their coffers once the water is running. She believes the Canal Company is fighting a double issue here also. They need to get that water going; so will they make sure it is correct or just get it done to get the water going she asked.

Mr. Nicponski stated that they need to do it right. Ms. Bell agreed but asked if they will be able to keep enough fingers on it to make sure it is right.

Mr. Hill shared his experience with the Canal Company. When Mr. Hill has worked with them in the past, they had great engineers and have done a great job. He understands the concern and lack of trust for the Canal Company right now. The Canal Company recognizes this challenge also. He believes that they will do it right and design a system that will be safe. He said that the bigger challenge is the areas that they don't fix. He believes the areas that they fix are going to be fine, but would be concerned with the areas that they don't fix. They don't have the money to fix all the areas, so that concern is still out there. For example, he has had several conversations with residents in Bluffs I that live near where it was repaired. Their concern is whether this repair is going to work. Mr. Hill said he felt confident in saying that the fix would work and what the Canal Company has done is good. Now, the concern is if you live above or below the fix, and is this fix stressing the additional banks. He believes it is a legitimate concern but would say that his experience with the Canal Company has been that they are responsible and believes that they want to make sure it doesn't break again. The last thing they want is to have another break and to have water out of the canal for a period of time. They are doing their best with the resources they have, stated Mr. Hill.

Ms. Goodman asked Mr. Hill how long the repair in Murray Bluffs I lasted. She said she had watched all the trucks going in and out, and it seemed like a fairly short amount of time. Mr. Hill replied that the planning for the project started early in 2012, and it was intended to be repaired when the water stopped flowing, which is usually about October 15th. The repairs were made after that period of time. Mr. Hill said that is correct that the actual repair took a couple of months. Mr. Hill said that in his conversations with, Mr. King realized that there would be no water in this canal for months. He doesn't believe that they want to wait until October 15th to

repair it, but there won't be water in it any time this month. This canal also carries storm water, so there may be water in the canal when it rains. They also don't want the rain water to come out of the canal, so that is the reason for the temporary fixes.

Mr. Brown said that is why he was asking earlier how far the water went down the canal. Mr. Brown believes, barring a 100 year rain, that nothing will flood in that area. Mr. Brown said that no one at this point knows what the engineering would be; whether it be a culvert or a pipe. They are not really sure what to do until the samples are returned from the lab. Depending on what the samples show, they may have to bring in new dirt. There are certain things that you can't do with piping, such as put gravel around it. Concrete is probably the best answer in his opinion. It is still early, he commented. He believes that the repairs that have been done now will last through the storm water. They have also put spill ways in place so the water would be mitigated to a place without houses.

Mr. Hales said that the next step would be the resolution on May 21st. He asked if they would like to set up another meeting with the Canal representatives. He said that Tuesdays work best for some of the staff, especially the 2nd and 4th Tuesdays. Mr. Nicponski said that they could meet on both Tuesdays if there is the need to do that. He said that they could meet on the 2nd Tuesday and see if they need to meet also on the 4th Tuesday. He said he values having the staff here also. Mr. Hales said that it would be best to set up the resolution first before the meeting. Mr. Nicponski said that in order to stay on top of this, they should meet on the 4th Tuesday, May 28th. Then they could plan on the 2nd Tuesday after that.

Mr. Hill said that there needs to be two key people in attendance at the meeting; the Canal Company representative and also the state engineer. Mr. Hales agreed and said they would try and get those people there.

Ms. Goodman clarified the times for the meetings.

Mr. Nakamura said that in order to have a meaningful meeting, representatives from North Jordan Canal Company need to be in attendance. Mr. Hales said that they would let everyone know if the Canal Representatives cannot be there. He believes that the Canal representatives want to attend, and also if Representative Anderson and Senator Shiozawa can get the State Engineer to attend.

Mr. Nicponski said to tentatively mark June 11th as a follow up to the May 28th meeting.

Ms. Lopez asked everyone in attendance to sign the sheet with their email addresses so she can inform them of the next meeting.

Mr. Hales also asked the residents to let their neighbors know about the meeting. He said he has had calls from people in his district asking about the canal breach also. It has had a major impact and people are listening. He is impressed that there has been a lot of recognition.

Ms. Mooy said that she and her husband both work for shareholders of the Canal Company also so they would like to see both sides get involved.

Ms. Bell asked if there could be another Facebook page, and keep the original one more intimate, but maybe get this information out on another Facebook page. She said that if they want people statewide to be concerned about their canals, a good way to get information out would be on social media.

Mr. Shaver said that Mr. Dye made a great point when he spoke about the Facebook page and the timing needs to be appropriate. Right now, the wound is open and sore. He said that the Council can't advise them how to do that but urges caution.

Ms. Mooy agreed that caution needs to be taken also. There have been some negative comments on KSL. Mr. Hales said that comments made anonymously are sometimes amazing. Ms. Mooy said there have been people blaming residents for building near the canal.

Mr. Dye said currently there has been a good dialog right now on the Facebook page.

Ms. Goodman said there is a realtor in their group and could contact the Realtor Political Action Committee and see if that would help. She said this falls under homeowner's rights, and feeling safe in your home. Representative Anderson said to possibly wait and see how the next meeting goes.

Mr. Stam said that he believes the best time to go public with the facebook page would be right before the Legislature starts next year. Mr. Dye commented that they would get exclusives with certain news networks, and they know how to push buttons.

Mr. Stam said that the City is limited in what they can do, but the best thing the City can do is to be here and listen, and the same thing for the Representatives. He believes that the Canal representatives would do a better job when they know that the City and the State Representatives are watching them. He believes that is the best thing that the City can do, is to let them know that Murray is watching them, and want our residents protected.

Mr. Hales thanked everyone, and said this is how it works. He adjourned the meeting at 5:50 p.m.

Kellie Challburg

Council Office Administrator II