

by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

Req. #	Item and Department	Amount	Action
38	Air Wrench, Road Department	187.00	
Approved			

Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the requisition as presented. Motion was approved by all members present.

(3)

#### EMERY COUNTY BICENTENNIAL DONATION REQUEST

Mr. Eugene Johansen, Co-Chairman of the Emery County Bicentennial Commission informed the Commission that in the Emery County Schools they have had over 1,000 participants in the Commemoration of the Bicentennial of the Constitution essay and picture drawing contest. He indicated that there was a need to recognize the winners and participants of the contest. He noted that it had been previously announced that savings bonds and ribbons would be

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Bicentennial Donation, cont. . . .

furnished to the winners. On behalf of the Bicentennial Commission, Mr. Johansen asked the Commission to consider a \$500.00 donation. This would be used to help buy ribbons for the school participants and winners and also to purchase savings bonds for the winners on the secondary level. Commission Chairman Clyde Thompson indicated that he would check with the Auditor and see if any funds were available as none have been budgeted for such donations.

(4)

#### EMERY COUNTY MUSEUM

Mr. Eugene Johansen, who is a Castle Dale City Council member, advised the Commission that he had been approached by the Emery County Economic Development council requesting that Castle Dale be the applicant in the procurement of a museum facility to be located in Castle Dale. He indicated it would be much too involved for the City to take on the full responsibility but that the City would agree to be the applicant. However, they could not be responsible for the construction and maintenance of the facility thereafter. It was further noted that the Emery County Economic Development Council was in the process of soliciting funds for the project. He noted that operating

funds would be possible in part from visitors each year, as well as state and natural history boards using the facility and possible rent reimbursement for space used.

(5)

#### EMERY COUNTY MUSEUM

John Judd, of the Emery County Museum Board, reviewed the present status of the proposed Emery County Museum. He further noted that they have formed a trust with other agencies in the Carbon-Emery area who are also applying for money to improve their museum facilities. His request of the Commission is for a letter of support by the Emery County Commission. Whereupon, it was the consensus of the Commission that Mr. Judd prepare a letter for Commission signature.

(6)

#### COMMITTEE OF CONSUMER SERVICES - MELBURN COOMBS

Mr. Melburn Coombs, of the State Office of Community Services informed the Commission of his office's role and responsibility in protecting the interests of the small utility users. Mr. Coombs indicated his purpose was to convey the concerns of the utility users and any the Emery County Commission has to the Public Service Commission. He indicated they are currently studying the Utah Power and Light merger. Presently, PacifiCorp, who they are merging with, produces 70% of their electricity from coal-fired plants and 30% from hydro- electric plants. He noted that Utah Power and Light's electricity is from coal- fired plants with 90% of the coal being mined in Emery County. However, the PacifiCorp plants use strip-mined coal from Wyoming which is less expensive. County Attorney Scott Johansen questioned Mr. Coombs in what might be best for the rate-payer may not provide a healthy utility company or have a detrimental effect on the area. Commission Chairman Clyde Thompson indicated that the economy of the County greatly depends on wages from the production of coal and

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Melburn Coombs, cont. . . .

the resulting electricity produced here. The Commission expressed appreciation to Mr. Coombs for being in attendance. Mr. Coombs indicated he would express the Commission's concern and advise them of any implications of the Utah Power and Light merger.

(7)

#### 4-H COMMISSION APPRECIATION

The following 4-H members were in attendance: Evan Fillmore, Andy Fillmore, Owen Fillmore, Layne Fox, Michael Bass, Matthew Erni, Kobi Erni, together with their leaders Angie Fillmore and Darlene Erni. These members presented sweet roles to the Commission in appreciation for their efforts and support of the 4- H program in Emery County. Elaine Hatch, who is over the 4-H and with the Extension Service, noted that this has concluded the State and National 4-H week. She noted there are 653 people involved in the 4-H program and 148 leaders in the County. Commission expressed appreciation for the program and acknowledged the importance of youth being involved in such good things, as they are the future leaders.

#### ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk brought the Commission up-to-date on various road projects throughout the County.

Mr. Funk requested Commission consideration for using the money received from the sale of the chipper which is approximately \$9,000 to purchase a roller. However, no action was taken with regards to this matter.

(9)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to adjourn for lunch at 11:50 a.m. Motion was approved by all members present.

The meeting reconvened at 1:03 p.m. with all members present.

(10)

#### AIRPORT IMPROVEMENTS - ARMSTRONG CONSULTANTS - BRIAN PRITCHETT

Mr. Brian Pritchett, of Armstrong Consultants, requested of the Commission consideration in proceeding with an application from the Federal Aeronautics Administration for a grant for repair work at the airport. They would furnish 90.94% of the funds for the project with local participation being less than 10%. It indicated that the State would possibly sponsor one-half of the local amount or approximately 4.53%. The same amount would then be required of the local government. He also showed to the Commission various photos taken of the condition of the airport and runways. He noted that their firm would do all the solicitations at no cost until approval for the project was given. This item was referred to Commissioner Jerry Mangum who requested time to look over the proposal.

(11)

#### DISPOSAL OF SURPLUS PROPERTY - BILL OF SALE

Road Superintendent Rex Funk requested of the Commission approval and signature for a Bill of Sale on the 1956 Spreadmaster Chipper, Fixed Asset #4329; Serial Number C-184. This was sold by Construction Associates for a price of \$11,000 less their commission of \$1,000. The equipment was sold to Gordon Startup and DeLain Giles. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve and sign the Bill of Sale on the chipper. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(12)

#### PERSONNEL ITEMS

A) Extended Insurance Coverage for Family of Wade Hansen - Emery County Personnel Technician Pat Snowball requested of the Commission consideration and approval for extending the insurance coverage for the family of Wade Hansen for an additional six months or until after the birth of the expected child. Mr. Hansen was Deputy in the Sheriff's Department and was recently killed in an automobile accident while on duty. Motion was made by Commissioner Jerry Mangum to approve the extension of the insurance coverage to the family of Wade Hansen for a period of six months or until after the birth of the expected child. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

B) Emery Library Custodian - Presented to the Commission for their consideration was a personnel action form noting that the position for the Emery Library Custodian had been advertised and posted. Don Riddle has applied for the position. It was further discussed that his wife Carol Riddle who is a County employee would assist in the duties. It was determined that it would represent a conflict. Whereupon, motion was made by Commissioner Jerry Mangum, and seconded by Commission Chairman Clyde Thompson to deny the Personnel Action Form. Motion was approved by all members present.

C) Wade Hansen Replacement - Presented to the Commission for their consideration was a personnel requisition form for a dispatcher who would replace Wade Hansen. The position would be at a Grade 9, Step 1. Whereupon, motion was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard to approve the personnel requisition form providing for the hiring of a replacement for Wade Hansen at a Grade 9, Step 1. Motion was approved by all members present.

D) Sheriff's Department Administrative Changes - Presented to the Commission were the Personnel Action Forms providing for administrative changes in the Sheriff's Department as follows: Sargent Scott Nelson be reclassified to that of a Patrol Deputy II at a Grade 11, Step 9 or \$2,426.81 per month. Bliss Mead is presently Communications Sargent be reclassified as a Dispatcher at a Grade 9, Step 9 or \$1,949.53 per month.

Brent Pace being reclassified to a Patrol Deputy II at a Grade 11, Step 6 or a salary of \$1,969.26. Whereupon, motion was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard

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Personnel Items, cont. . . .

to approve the reclassifications as requested, noting that should they at sometime later be reclassified back to sargents, that it be at the same grade and step with no corresponding increases. Motion was approved by all members present.

(14)

#### UNIFORM FUND - WADE HANSEN

Commissioner Duane Collard informed the Commission that Emery County Sheriff Lamar Guymon indicated that Deputy Wade Hansen still owed the uniform fund approximately \$500.00. Whereupon, it was the consensus of the Commission that Sheriff Lamar Guymon would resell and dispose of the items and see what the remaining balance would be at that time.

(15)

#### COMPUTER SYSTEM PURCHASE

Commissioner Duane Collard reviewed with the Commission the present status of the Motorola Computer. He noted that buying out the present lease agreement on the existing equipment would greatly reduce the monthly cost to the County. He is also pursuing a reduction in the maintenance agreement which cannot take effect for 90 days. Therefore, it would reduce the maintenance as the only monthly cost to that of approximately \$1200 to \$1400 with the additional software maintenance of \$1,050. This would save the County approximately \$100,000 in approximately 15 to 16 months by purchasing the unit. This would also allow sufficient time for a more thorough examination of other programs and equipment which might be considered at a later time. He indicated that he has further reveiwed this with Don Johnson and Max Ingall who were recently hired as consultants for Emery County. After discussion, motion was made by Commissioner Duane Collard to buy out the present lease contractual agreement at a cost of \$103,408.60 contingent upon the availability of funds. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(16)

#### BURR TRAIL - EMERY COUNTY FINANCIAL SUPPORT

Emery County Commission discussed the legal conflict with Garfield County and the environmentalists over the pavement of the Burr Trail. It was noted that other counties

have contributed approximately \$5,000 to Garfield County to assist them in the legal battle. Whereupon, motion was made by Commissioner Jerry Mangum for Emery County to send Garfield County \$5,000 in support of their cause with the stipulation that if at sometime they be reimbursed for those costs that Emery County, in turn, be reimbursed in the amount of \$5,000. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(17)  
MEETING CANCELLATION - NOVEMBER 4, 1987

Motion was made by Commission Chairman Clyde Thompson to cancel the Commission Meeting scheduled for November 4, 1987. This is in lite that it is in conflict with the Utah Association of Counties Conference scheduled for St. George, Utah. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(18)  
MEETING ADJOURNMENT

Motion was made by Commissioner Duane Collard to adjourn the meeting at 3:35 p.m. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

October 21, 1987

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

PUBLIC HEARING - AMEND 1987 BUDGET - RESOLUTION 10-21-87A & B

The meeting was called to order by Commission Chairman Clyde Thompson at 9:45 a.m. to a Public Hearing for the purpose of receiving comments in regard to the proposed amended 1987 County Revenue and Expenditure Budget as well as the proposed Federal Revenue Sharing Budget for the year 1987.

This was the time set by the Commission for said Public Hearing. There was no one present to express any comments in favor or in opposition to Resolution 10-21-87A

which amends the Emery County Revenue and Expenditure Budget and Resolution 10-21-87B which amends and adopts the 1987 Federal Revenue Sharing Budget.

Whereupon, motion was made by Commissioner Duane Collard to close the meeting for public comment and to adopt Resolution 10-21-87A and Resolution 10-21-87B as presented and that Commission Chairman Clyde Thompson be authorized to sign the same. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. (Emery County Clerk, Bruce Funk questioned the Commissionan will further look into the matter as to whether proper notice has been given to the public on the Public Hearing by the Auditor's office, which may invalidate any action taken.)

## REGULAR COMMISSION MEETING

Commission Chairman Clyde Thompson opened the Regular Meeting of the Board of Emery County Commissioners at 10:05 a.m. with all members present.

Invocation was given by Commissioner Duane Collard.

A review of the agenda was made.

(1)

### COMMISSIONERS MINUTES

The minutes of September 16, 1987, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the minutes as amended. Motion was approved by all members present.

The minutes of the October 7, 1987, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(2)

### AUDITOR'S BUSINESS

Emery County Deputy Auditor Charlane Luke presented to the Commission for their consideration Warrant Edit List #872844 through and including #873020 for payment.

Motion was made by Commissioner Jerry Mangum to approve the Warrants for payment. Motion was seconded by Commissioner Duane Collard and approved by all members present.

The following requisitions were presented for Commission consideration:

Req. # Action	Item and Department	Cost
39 Approved	Air Conditioner for Horn Mt. TV - Communications Department	249.99
40 Approved	One Typewriter and accessories - Sheriff's Department	1,305.00
41	Two ten-man rafts with paddles and life preservers - Sheriff's Dept.	400.00    Approved
42	Copy machine and stand - Road Dept.	4,065.00    Approved

Motion was made by Commissioner Jerry Mangum that the above-mentioned requisitions be approved for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)

**EMERY COUNTY BICENTENNIAL COMMISSION - DONATION REQUEST**

Commissioner Duane Collard, in a follow-up to Mr. Eugene Johansen's request of the Emery County Commission for a donation, advised the Commission that the Bicentennial Commission is in need of a temporary loan in the amount of \$200 to \$300. Commissioner Collard inquired if any funds remain from the County Fair. Commission Chairman Clyde Thompson responded that all fair monies have been exhausted and that no monies have been budgeted for such requests. It was suggested that this be reviewed with County Attorney Scott Johansen and Auditor Karen Truman to see if the County could participate. In response, Commissioner Collard indicated that the Bicentennial Commission was an officially recognized County organization by the Emery County Commission. Therefore, it was his recommendation and motion to see if monies were available that could be loaned to the Bicentennial Commission while still being in compliance with all laws. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(4)

**EMERY COUNTY AUDITOR KAREN TRUMAN - UAC SECRETARY-TREASURER POSITION**

Commission Chairman Clyde Thompson informed those present that Emery County Auditor Karen Truman was running for Secretary-Treasurer of the Utah Association of



Counties. It was his suggestion that the Commission and others support her in this action.

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(5)  
UTAH STATE TAX COMMISSION - CASTLE DALE OFFICE

The Board of Emery County Commissioners discussed the public's concern over the possible relocation of the Tax Commission office presently located in the County Courthouse. This office serves the residents of Emery County. It could possibly be moved to Price as an area office. It was the consensus of the Commission that members of the Tax Commission be contacted and arrangements made for a meeting between them and the Emery County Commission. This would be in an effort to keep the office here or possibly combine it with the Assessor's office.

(6)  
BLM REGULATIONS - USE FEES

Commission Chairman Clyde Thompson reviewed a letter he had received from the Moab office of the Bureau of Reclamation. The letter indicates there would be no change in right-of-way regulations for taxing government agencies for site use. There is going into effect fees possibly affecting agencies such as: canal and irrigation companies, Service District and other municipal governmental agencies.

(7)  
PERSONNEL ITEMS

A) Personnel Requisition - Treasurer's Office - Personnel Technician Pat Snowball presented to the Commission for their consideration a Personnel Requisition for three seasonal temporary workers in the Treasurer's office. These individuals would work full-time five days a week beginning approximately November 2 through December of 1987 to be paid at the rate of \$5.00 per hour. She noted that Emery County Treasurer Elaine Wilson would work with Commissioner Mangum in the recruitment process. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Requisition Form authorizing the recruiting of three people to serve as temporary seasonal full-time employees in the Treasurer's office for the months of November and December of 1987 to be paid at the rate of \$5.00 per hour. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Personnel Requisition - Emery Library Assistant - Presented to the Commission was a Personnel Requisition Form for an Assistant Librarian at the Emery Library. This would

be a replacement for Erline Christiansen who has resigned. The rate of pay would be at \$5.90 per hour. A replacement is needed for the second week of November. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisition which authorizes the recruitment and hiring of an Assistant Librarian at Emery to be paid at the rate of \$5.90 per hour. Motion was approved by all members present.

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Personnel Items, cont. . . .

C) Custodian - Emery Library - Pat Snowball advised the Commission that the position of Custodian at the Emery Library was reposted for an additional five days. They have received applications and determined that Denise Childs be recommended for that position. She is to be paid at the rate of \$148.40 per month for ten hours of work per week effective October 26, 1987. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the hiring of Denise Childs as the Custodian at the Emery Library to be paid at the rate of \$148.40 per month consisting of ten hours of work per week. Motion was approved by all members present.

D) Sheriff's Department - Reclassification of Ted R. Thomas - Presented to the Commission for consideration was the Personnel Action Form for Ted R. Thomas who is being reclassified from a Patrol Deputy at a Grade 11, Step 2 or a salary of \$1,716.68 per month to that of a Patrol Sergeant at a Grade 13, Step 3 or a salary of \$1,981.95 per month. Commissioner Duane Collard indicated that he has been in contact with the Sheriff and has sat in on the interview process and concurs with the Sheriff's recommendation. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form reclassifying Ted R. Thomas to that of a Patrol Sergeant, Grade 13, Step 3 or a salary of \$1,981.95 per month effective October 19, 1987. Motion was approved by all members present.

E) Sheriff's Department - John Burdick, Jr. - Commission also considered the Personnel Action Form for John Burdick, Jr., of Huntington, Utah, who is to be hired as a Dispatcher at the rate of \$8.58 per hour as a temporary seasonal employee. It was noted that Mr. Burdick will replace Wade Hansen who was recently killed in an automobile accident while on duty with the Emery County Sheriff's Department. Whereupon, motion was made by Commissioner Jerry Mangum to approve the hiring of John Burdick, Jr., at the rate of \$8.58 per hour as a temporary seasonal employee, effective October 22, 1987. Motion was seconded by Commissioner Duane Collard and approved

by all members present. (It was noted that a temporary seasonal employee is not entitled to any benefits.)

(8)

#### ELIZABETH HANSEN - REPORT ON MENTAL HEALTH SERVICES

Elizabeth Hansen of the Emery County Progress reported to the Commission in regards to the Utah State Board of Mental Health seminar she recently attended. Mrs. Hansen and her husband were asked to attend the seminar by the Emery County Commission. She expressed appreciation to the Commission for their support of the mental health programs and particularly Four Corners Mental Health. She solicited continued funding of the programs, indicating that it has been important to the quality of life of those families effected. Mrs. Hansen gave handouts to the Commission of the policies of the Board of Mental Health as well as other articles related to mental illnesses. The Commission expressed appreciation to the Hansens for being able to represent the interests of Emery County at the meeting.

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(9)

#### ROAD DEPARTMENT BUSINESS

A) Ferron City Mobile Home - Road Superintendent Rex Funk inquired of Commission Chairman Clyde Thompson as to the status of the mobile home which was traded to the County for a metal building. Commissioner Thompson indicated that those items removed from the mobile home will be replaced and that the Road Department could proceed with procurement of that mobile home. It has not yet been determined as to the final destination or location of the building.

B) Other Road Department Projects - Other road and bridge projects throughout the County were reviewed and discussed with the Commission. It was discussed that some projects are pending further action.

(10)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to adjourn for lunch at 12:00 p.m. Motion was approved by all members present.

Commission reconvened at 1:00 p.m. with all members present.

(11)

## MEETING ADJOURNMENT

Commission adjourned to the Conference Room adjacent to the Commissioners meeting room for a meeting with Jim Dryden, the BLM District Supervisor, regarding the San Rafael District Management Plant.

No other Commission action was taken.

## HELD IN THE EMERY COUNTY COURTHOUSE

November 18, 1987

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

### PUBLIC HEARING - AMEND 1987 BUDGET - RESOLUTION 11-18-87A & B

The meeting was called to order by Commission Chairman Clyde Thompson at 9:45 a.m. to a Public Hearing for the purpose of receiving comments in regard to the proposed amended 1987 County Revenue and Expenditure Budget as well as the proposed Federal Revenue Sharing Budget for the year 1987.

This was the time set by the Commission for said Public Hearing. There was no one present to express any comments in favor or in opposition to Resolution 11- 18-87A which amends the Emery County Revenue and Expenditure Budget and Resolution 11- 18-87B which amends and adopts the 1987 Federal Revenue Sharing Budget. Whereupon, motion was made by Commissioner Duane Collard to close the meeting for public comment and to adopt Resolution 11-18-87A and Resolution 11- 18-87B as presented and that Commission Chairman Clyde Thompson be authorized to sign the same. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. Proper advertising had been made and an Affidavit of Publication was provided.

### REGULAR COMMISSION MEETING

Commission Chairman Clyde Thompson opened the regular meeting of the Board of Emery County Commissioners at 10:00 a.m. with all members present.

Invocation was given by County Attorney, Scott Johansen.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the October 21, 1987, Commission meeting were reviewed. Motion was made by Commissioner Jerry Mangum to approve the minutes as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #872994 through and including #873254 for payment. Motion was made by Commissioner Jerry Mangum to approve all Warrants plus any additions for payment. Motion was seconded by Commissioner Duane Collard and approved by all members present. Also presented to the Commission for their consideration were the following requisitions:

Req. #	Item and Department	Cost	Action
43	Phones for mobile office - Road	800.00	Approved
44	Carpet and blinds for mobile office - Road	1,515.00	
Approved			
45	Three Dodge Ramchargers - Sheriff	43,605.00	
Approved			
46	Metal Detector - Sheriff	415.00	Approved
47	Microwave - Sheriff	239.88	
Approved			

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all requisitions for purchase. Motion was approved by all members present.

(3)  
ADOPTION OF TENTATIVE 1988 BUDGET - RESOLUTION 11-18-87C

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to adopt the tentative 1988 Emery County Revenue and Expenditure Budget as presented. Motion was approved by all members present.

(4)

UP&L - HORN MOUNTAIN POWER LINE PROJECT

Mr. Gene Hess, Manager of the Castle Dale Office of Utah Power and Light, presented to the Commission for their consideration an electric service agreement wherein Utah Power and Light will furnish electrical power to the Horn Mountain power line project. Mr. Hess noted that the cost would be approximately \$5,280.00. It was his understanding that Emery County was in agreement to pay the actual cost which would be due and payable within 30 days of the invoice. Commissioner Duane Collard agreed that Emery County would pay the actual costs upon completion of the reconnection. Whereupon, motion was made by Commissioner Duane Collard that the County pay the actual costs for reconnecting electrical service to the new line Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Commission Chairman Clyde Thompson signed the electric service agreement and Clerk, Bruce Funk, was directed to complete a certificate of minutes as requested by Mr. Hess.

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(5)

EMERY COUNTY MEDICAL INSURANCE

Insurance Agent James Banasky introduced Brad Tibbits from Blue Cross/Blue Shield who proposed three alternative Health and Hospital benefit insurance programs to the Commission for consideration. He outlined the various deductible amounts together with the stop loss. He noted that all programs include a prescription card, children are covered up to age 23, and there is also a life insurance benefit.

Emery County Auditor Karen Truman presented information she had received from Trans-America Insurance Company who was also offering comparable coverage at a somewhat reduced cost. However, it was the consensus of the Commission that she see if Trans-America has been accepted by local physicians as well as other hospitals and agencies within the state to determine if they have an acceptable reputation for payment and service. Concern was expressed that many times initial proposals are somewhat attractive. However, during the following year or so such rates are increased to where they are comparable with other companies. It was further noted that no action would be required by the Commission until at least January 1, 1988.

(6)

KRPX RADIO REQUEST

Commissioner Duane Collard informed the Commission that he had been contacted by representatives of KRPX radio who would like the County to consider putting in a repeater to enable them to transmit throughout a greater portion of the County. He noted that at the present time, they are only broadcasting into Cleveland and Elmo in the evening with their FM station. Commissioner Collard indicated that he informed them of his priorities which would be first to get channels 7 and 11 into Emery and then improve the reception of the present television stations broadcast into Huntington and Ferron Canyons. Requests by others such as KRPX would follow at a later time after it was determined how much money could be budgeted and the participation by others. He further noted that KRPX has offered to pay \$1,000 a year for three years for that conversion. No action was taken or required by the Commission at this time.

(7)

#### ATTORNEY'S BUSINESS

A) Amend the Emery County Personnel Policy - Draft - Emery County Attorney, Scott Johansen, presented draft proposals for amending the Personnel Policy which include the following: 1) does away with the position of Office Manager; 2) includes a disclaimer clause in which the policy is not an employment contract; 3) reimbursement is required for education or training of county employees without the need of an additional contract; 4) consideration to convert excess sick leave days into annual leave. Mr. Johansen noted that this has been the request of County employees and it for Commission consideration.

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Attorney's Business, cont. . . .

Mr. Johansen indicated that he will proceed on these policies with direction by the Commission and will provide final drafts for Commission consideration at a later date.

B) Tax Anticipation Note Borrowing - Mr. Johansen informed the Commission that if they are considering a Tax Anticipation Note for next year, that work needs to begin now. He noted that the maximum amount would be \$5,000,000 and could be available January 1, 1988. Mr. Johansen informed the Commission that in the past, bid requests have been sent to several banks. However, in the past two years Zions Bank is the only one responding to the inquiry. He noted that brokers, in order to bid, need a prospectus and noted that the cost in preparing a prospectus would offset any possible savings. Expected cost to prepare a prospectus would be \$8,000. His purpose in bringing this before the Commission is to let them know that he is proceeding in preparing the necessary paperwork for tax anticipation note borrowing. It was the consensus of the Commission that County Attorney Scott Johansen proceed as required.

C) County Dog Pound Sewer Hook-Up - Mr. Johansen reviewed with the Commission a letter addressed to the Commission from Orangeville City demanding hook up of the dog pound to the city sewer lines. It was further noted that the law requires that any facility for human occupancy within 300 feet of an approved sewer line is required to connect. It was his opinion that because it is a dog pound and not for human occupancy, the County would not be compelled to connect unless so desired. It was noted that Commissioner Duane Collard will look into the problem and make a recommendation to the Commission at a later date.

D) Agreements between the County and Cities as to Ownership and Responsibility of Roads - Mr. Johansen noted that the following towns have signed the road agreement which Mark Tanner was working on during his employment with Emery County. The following have signed: Cleveland, Emery, Green River and Huntington. He further noted that Ferron has agreed to sign the agreement provided that Emery County will agree to fix any city road which has been damaged by County vehicles. It was the consensus of the Commission that the County would agree to that provided that damage was not caused or aggravated by state vehicles, city or contractors hauling gravel from the gravel pit. He further noted that it is not expected that Clawson would sign until the main street was brought up to grade and acceptable to Clawson. Elmo will not sign because of a misunderstanding and lack of clarification in regards to federal aid to secondary roads. It was expected that Castle Dale would agree after minor changes. Whereupon, it was the consensus of the Commission, by recommendation of Commissioner Duane Collard, that all contracts received and signed by the cities also be signed by the County. County Attorney Scott Johansen is to concentrate on the remaining cities which will either sign or require only minor changes and have them ready for the Commission at their next meeting.

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Attorney's Business, cont. . . .

E) Law Enforcement Contracts - County Attorney Scott Johansen reviewed with the Commission the status of the Law Enforcement Contracts with each of the towns. He noted that Emery has not agreed to sign any contract unless the County will provide animal control. Orangeville has requested that paragraph 9 be eliminated as it relates to JP and prosecution and as to the paragraph regarding indemnification of Emery County, it was requested that it be altered or clarified. Ferron also indicates that they would not sign unless animal control, JP and prosecution is also provided. Castle Dale has signed the agreement. Huntington is still uncertain. Cleveland is uncertain. Green River has signed provided that they do not have to contribute any money since Grand County now reimburses Emery County for Sheriff services. Elmo wants animal control help first.



F) Rilda Canyon - County Attorney Scott Johansen together with Road Superintendent Rex Funk reviewed the status of Rilda Canyon in which the bridge has been determined to be unsafe. It was the position of the County that the road and bridge are not on the County Road Map or their responsibility. Mr. Johansen indicated that there is some question and as a result, the Commission should take official action to clarify that. One of three things could be done: 1) permanently close the road which would be unsatisfactory to North Emery Water Users Association and others who use the road; 2) replace the bridge which would imply a responsibility and liability to the County; or 3) to take official action and abandon the road. After discussion and upon recommendation of Commissioner Duane Collard, the County Attorney was directed to do whatever is necessary in order to abandon the road. The County Attorney is to prepare the necessary notices and set up public hearings in the near future. It was recommended that this be the only road considered for abandonment at this time and that others be brought up at a later date.

(8)  
ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:02 p.m. was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard. Motion was approved by all members present.

Meeting reconvened at 1:15 p.m. with all members present.

(9)  
PERSONNEL ITEMS

Emery County Personnel Technician Pat Snowball presented to the Commission a Personnel Action Form for Charles W. Weber of Green River, Utah, to serve as an Emery County EMT retroactive to September 21, 1987. Motion was made by Commissioner Jerry Mangum to approve the hiring and the Personnel Action Form for Charles W. Weber as an EMT retroactive to September 21, 1987. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(10)  
UNITED WAY OF CARBON AND EMERY COUNTIES

Carolyn Randall, Director of the Emery County RSVP, informed the Commission that she has been involved with United Way and that RSVP has received money from them. She introduced Sandy Plummer of the United Way of Carbon and Emery Counties who reviewed with the Commission purposes of the program and benefits to the two counties through an audio-visual presentation. Her purpose in coming before the Commission today was to request a letter of support from the Commission which would be included with a contribution form in the payroll checks. Commission Chairman Clyde Thompson felt that the United Way has greatly benefited both Counties. However, it has been the policy of the Commission that flyers, etc., not be included with the payroll checks because similar requests from other agencies have been denied. It was his suggestion and the consensus of the Commission that sufficient numbers be given to each of the department heads for distribution to their employees.

(11)

#### HORN MOUNTAIN - ELECTRONIC SITE FEES

Commission Chairman Clyde Thompson reviewed a letter he received in regards to Emery County's Horn Mountain Electronics Communication Site from the Manti- Lasal Forest office. The Forest Service has been required to assess fees based on the fair market value and that any objection or comments needs to be submitted to the regional forester by December 14, 1987. Indications from local forest representatives is that the assessment would be similar to the BLM and would possibly result in no cost to the County. It was recommended that this item be referred to Scott Truman for a response.

(12)

#### PROPERTY TAX ADJUSTMENTS

Commissioner Duane Collard indicated to the Commission that he had received a request from Marian Jensen who found that on their property taxes since 1983, the mobile home had been taxed twice, once on each piece of property. This has now been corrected. This item was referred to County Attorney Scott Johansen, who indicated that no adjustment could be made for previous years. Commissioner Collard also reviewed one other situation which fell under the same criteria of overpayment in previous years.

(13)

#### CLERK'S BUSINESS

A) City Election - Registration Costs - Emery County Clerk, Bruce Funk discussed with the Commission the law requiring that cities be responsible for costs associated with the city's election. This includes the registration supplies and books furnished by the Clerk's office for the same. He further noted that in the past, it has been the policy of the Commission that the County pay for those supplies in exchange for use of the city buildings during the general elections conducted by the County. Whereupon, motion was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum to

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November 18, 1987

Clerk's Business, cont. . . .

proceed as it has been done in the past in that the county not bill the cities for the registration supplies in exchange for use of the voting facilities.

B) Election Map - Mr. Funk discussed with the Commission the need to prepare an election map showing the new boundaries of the voting districts which. This is to comply with the action taken last year by the Commission in approving the new election boundaries. This will also be used in the 1990 census. Mr. Funk informed the Commission that he has contacted Johansen and Tuttle Engineering to prepare a milar of the same and would proceed accordingly unless the Commission advised otherwise.

C) Miscellaneous - Mr. Funk informed the Commission that the Clerk's office has received judicial word from the District Court to prepare a jury wheel for December 10, 1987. He noted that computer programs have not been prepared which would combine the drivers license as required by the supreme court to be merged with the present voter registration. This delay could create some last minute difficulty in preparing the same the first part of December. It requires a great deal of manual labor for verification.

D) Handicapped Voting Eligibility - Also reviewed with the Commission for their consideration was the need for continued effort on behalf of the County to make all voting locations handicapped accessible. Reviewed was the past improvements made within the County. It was noted, however, that in Clawson they would no longer be able to use the homes as in the past, not only that they are not handicapped accessible, but they are not available. Mr. Funk asked that the Commission consider either selling to Clawson or leasing to them with a perpetual right of use by the County a mobile home received from Ferron City. This would be used in Clawson as an office for the city, the water district and a voting district polling place for elections. That Clawson prepare and make the facility handicapped accessible and this would suffice our requirement for this year.

(14)

MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commission Chairman Clyde Thompson at 2:42 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

December 2, 1987

Those present at the meeting were Commissioners Clyde Thompson, and Duane Collard; and Clerk, Bruce C. Funk. It was noted that Commissioner Jerry Mangum was in Salt Lake on other County business, as well as County Attorney Scott Johansen also away on County business.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:03 a.m.

Invocation was given by Clerk, Bruce Funk.

A review of the Agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of November 18, 1987, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor Karen Truman presented Warrant Edit List #873298 through and including #873423 for payment. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented to the Commission for consideration:

Req. #	Item and Department	Amount	Action
49	Used Van Trailer - Road	3,500.00	
Approved			
50	Two Snow Plows - Road	9,500.00	
Approved			
51	Balderson Lift and Dozer - Road	10,500.00	Approved
52	Stacker Belt - Road	12,000.00	Approved
53	Used Trap Feeder - Road	15,000.00	Approved

Motion was made by Commissioner Duane Collard to approve the requisitions for purchase. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)

PERSONAL PROPERTY - BOARD OF EQUALIZATION

Commission Chairman Clyde Thompson inquired if there was anyone present regarding the personal property - Board of Equalization. There was no one present at the appointed time of 11:00 a.m. for this matter. The Commission left that portion of the meeting open for any who might show up until 11:15 a.m. Wherein, because no one was present, the Commission passed this matter.

(4)

ROAD DEPARTMENT BUSINESS

A) Cattle Guards - Road Superintendent Rex Funk discussed with the Commission the present cattle guard program. He noted that he has had numerous requests for cattle guards. He has found from those making requests that originally there may have possibly been cattle guards at the sites. For example, east of Castle Dale. He has also had one from Albert Hyatt on Rock Canyon Road as well as others. Mr. Funk questioned the Commission as to whether he, as Road Department Superintendent, is to make the decisions as to where and if placement of a cattle guard is necessary. His concern was whether his department is to work to fill all requests, noting that the addition of more cattle guards to the County road networks increases the possibility of liability exposure. It was his request of the Commission to meet and discuss this further at their convenience.

B) Joes Valley Subdivision Rip Rap - Road Superintendent Rex Funk inquired of the Commission their desires for reimbursement for rip rap provided to residents in Joe's Valley. He noted that he has had conversation with Bob Kurtz and have billed them at the rate of \$1.00 per yard. This rate is consistent with charges made to other communities during their clean-up days. He noted this would result in a total cost of about \$320.00. It was the consensus of the Commission that Road Superintendent Rex Funk proceed as he has in continuing billing those residences for that rip rap at \$1.00 per yard.

(5)

ADJOURNMENT FOR LUNCH

Motion was made by Commission Chairman Clyde Thompson to adjourn for lunch at 11:54 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:01 p.m. with all members present.

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December 2, 1987

(6)  
SECTION CORNER SURVEYS

Mr. Craig Johansen of Johansen and Tuttle Engineering gave a progress report to the Commission on the section corner reestablishment surveys. He noted that this work has been ongoing since 1981. In the last three years the County has normally budgeted \$15,000 to cover six sections with them being able to complete eight sections this year. He noted they place the corners and quarter corners of every section based on evidence of original surveys, remeasuring and reestablishing those boundaries. He further requested of the Commission continued support of the program and that monies be budgeted for the same.

He further advised the Commission that at the next regular Commission meeting he would have a formal resolution prepared for Commission adoption covering the drawings as presented today.

Mr. Johansen reviewed with the Commission the airport grant application. He noted that he had received the information in today's mail. He has further been in contact with the State Aeronautics Board and will proceed on the application.

In regards to the swinging bridge, he indicated he has also met with the State. He showed an example of the environmental impact report done on a similar bridge, noting that this is what Emery County would have to complete on the swinging bridge. Funding would be on an 80% funding by the State and 20% by the County. Anticipated cost would be between \$500,000 and \$600,000. He further informed the Commission that he would proceed with the impact and report and upon completion come back to the Commission.

(7)  
INSURANCE SETTLEMENT AND REPLACEMENT OF SHERIFF'S DEPARTMENT  
VEHICLE

Commissioner Duane Collard informed the Commission that he has been in discussions with Emery County Sheriff Lamar Guymon. Sheriff Guymon informed him that the insurance company has now made a settlement on the Blazer involved in the accident and death of Sheriff Deputy Wade Hansen. Settlement of the insurance on the vehicle is in the amount of \$11,800.00. It was Sheriff Guymon's request that this money be taken and used to replace the vehicle with a Plymouth sedan for approximately the same amount of

money. Motion to approve the purchase of a Plymouth sedan with the insurance money received in settlement was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

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December 2, 1987

(8)  
MAINTENANCE SUPPORT REQUEST OF COMMERCIAL TELEVISION  
BROADCASTERS

Commissioner Duane Collard indicated that he has recently met with television station broadcasters in Salt Lake informing them of the costs associated in maintaining the television and communication site on Horn Mountain. He further outlined to them problems of poor channel reception as well as costs in converting, for example, channel 20 into channel 13. He noted that he had a very helpful and receptive response from channel 2. He noted hesitation on behalf of the others. It was his recommendation that Commission Chairman Clyde Thompson jointly sign the letter on behalf of the Commission requesting reimbursement for some of the costs of the Horn Mountain site. Approximately \$50 per month from each of the broadcasters would be requested. He noted that the site serves many people in Southeastern Utah. He also suggested that the Service District be assessed \$50 per month, San Juan County \$50 per month and Royce Electronics in the neighborhood of \$30 to \$40 per month. Wherein, Commission Chairman Clyde Thompson agreed and signed the same.

(9)  
EMERY COUNTY COMMISSION ACKNOWLEDGEMENT AND APPRECIATION

Commission Chairman Clyde Thompson informed the Commission that the parents of Wade Hansen who was killed in an automobile accident while on duty as a deputy in the Emery County Sheriff's Department, have acknowledged and expressed appreciation to the Emery County Commission for their support and condolences in the loss of their son.

(10)  
PUBLIC HEARING ON THE 1988 EMERY COUNTY REVENUE AND  
EXPENDITURE BUDGETS

Commission Chairman Clyde Thompson opened the meeting at 2:00 p.m. for a Public Hearing for receipt of public comment in regards to budgets of Emery County as well as the Special Service District. Those present at the hearing were Maughn Guymon, Direction of the Area Agency on Aging and the Emery County Aging and Nutrition

Director; Jim Whear, from Four Corners Mental Health; Carolyn Randall, from RSVP; Darrel Leamaster from the Special Service District; Rex Funk from the Emery County Road Department; Ina Lee Magnusson, Emery County Recorder; Elaine Wilson, Emery County Treasurer; and James Nielsen from the Emery County Weed and Mosquito Department. Commission Chairman Clyde Thompson inquired if there were any comments in regards to the 1988 Emery County Revenue and Expenditure Budget as well as the Special Service District Budget. There being no one present from the public at large to express comments and concerns.

Mr. Jim Whear of Four Corners Mental Health inquired of the Commission if the budget as presented reflects \$27,000 for Mental Health. It was understood and determined that Emery County's share in the programs would amount to \$40,028. That amount had been submitted to the Human Service Council which is to be forwarded on to the Counties for inclusion in the 1988 budgets. Emery County Auditor Karen Truman noted that no such request had been received at the time and adoption of the tentative budget and therefore, \$27,000 was budgeted which

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Public Hearing, cont. . . .

was the same as last year. Commission Chairman Clyde Thompson noted that he had received the packet from the Human Service Council after the adoption of the tentative budget. Mr. Whear asked that the Commission appropriate and consider the actual required amount. He noted that this would result in greater losses to the agencies because of matching funds. Commission Chairman Clyde THompson informed Mr. Whear that the Commission would discuss it further in budget meetings.

Commissioner Duane Collard inquired of Darrel Leamaster of the Special Service District as to whether he felt comfortable with the projected revenues for the year 1988. He also questioned the need for the water line between Castle Dale and Orangeville as well as other Capital Improvement projects. He also inquired as to what effect the UP&L protest will have on the anticipated revenues. Mr. Leamaster responded in that the protest will make this year much more difficult.

Mr. Maughan Guymon inquired of the Commission if the \$2,000 normally contributed to the AOG is under the line item of "other government units". Auditor Karen Truman responded that it is under "dues and contributions" and that it has at this point been included in the budget.

Weed and Mosquito Supervisor James Nielsen informed the Commission that there was a need to clarify and revise his department's budget request. The budget reflects one full-time person and the three part-time people who are used for the 60-days during the Summer and had been inadvertently left off by the Auditor's office.



There being no further comments, Commission Chairman Clyde Thompson moved to close the meeting at 2:28 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present. Motion was approved by all members present.

(11)

#### MEETING ADJOURNMENT

Motion to adjourn the regular meeting of the Board of Emery County Commissioners at 2:28 p.m. was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson and approved by all members present.

#### HELD IN THE EMERY COUNTY COURTHOUSE

December 15, 1987

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the Agenda was made.

(1)

#### PUBLIC HEARING - 1988 BUDGET - WAGE INCREASE - RESOLUTION 12-15-87A

Commission Chairman Clyde Thompson opened the meeting to a public hearing for input and consideration on adopting a 1988 Emery County General Fund Revenue and Expenditure Budget, Debt Service and Transient Room Tax as well as the budgets for the Library and the Special Service District, a 3% wage increase for elected officials, county employees, library employees, and Special Service District employees. No one was present at the meeting to express any comments in regards to the proposed Resolution 12-15-87A which would adopt the budgets as presented. County Attorney Scott Johansen noted that the budget as presented does not reflect the drug interdiction forfeitures in the amount of \$5,000 both in the revenue side as well as in the special counsel. There were no further comments in regards to the proposed Budget Resolution 12-15-87A. Motion was made by Commissioner Jerry Mangum to approve the 1988 Emery County General Fund Revenue and Expenditure Budget, Debt Service and Transient Room Tax as well as the budgets for the Library and the Special Service District, a 3% wage increase for elected officials, county employees, library employees, and Special Service District employees. Resolution 12-15-87A with the addition of the drug interdiction forfeitures of \$5,000 to be added to the Revenue Budget and \$5,000 to be added to the Special

Council Expenditure Budget and that appropriate General Fund Revenues be adjusted accordingly. The total Expenditure and Revenue Budget for the year 1988 would be \$6,985,726.00. Motion further included that the Commission close the Public Hearing. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

COMMISSION MINUTES

Minutes of the December 2, 1987, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to accept the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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Commission Minutes

December 15, 1987

(3)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented to the Commission Warrant Edit List #873441 through and including #873593 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present. The following requisitions were presented to the Commission for consideration:

Req. #	Item and Department	Cost	Action
54	Color TV for Jail - Sheriff	249.00	Approved
55	Reader/Printer, Fiche Carrier, Film Carrier, Zoom Lens - Circuit/District Courts	4,398.00	Approved
56	AT&T Computer and Software - Assessor	3,800.00	
Approved			
57	Clothes Dryer for Jail - Sheriff	329.95	Approved
58	Two Video Training Tapes - Sheriff	290.00	Approved
59	Hydraulic Angle Blade and Lift -		

	Road	1,500.00
Approved		
60	Used Conference Table - Road	150.00 Approved
61	Pipe Cutter - Road	Denied

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve Requisitions 54 through 60 for purchase and Requisition 61 for a pipe cutter for the Road Department be denied. Motion was approved by all members present.

(4)

JUSTICE OF THE PEACE - AREL HUNT WAGE ADJUSTMENT

County Attorney Scott Johansen advised the Commission that he had received a request from Arel Hunt, the Justice of the Peace in Green River. Mr. Hunt requested that because the position held by Jackie Powell as a bail commissioner is being eliminated that her monthly salary of \$200.00 be added to his present salary in addition to the 3% wage increase offered to all County employees. Whereupon, motion was made by Commissioner Duane Collard to transfer the salary presently being received by Jackie Powell to Mr. Hunt, noting that the overall budget for the Justice of the Peace would not change. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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(5)

BUSINESS LICENSES

A) Russell Pace - Acting Zoning Administrator James Fauver presented a business license application for Russell Pace, for a specialty paints business, to the Commission for their consideration and approval. After Commission consideration, they asked that Mr. Fauver further check and verify that the application is in compliance, and that it is an in-home business. Motion was made by Commissioner Duane Collard that this application be held pending inspection by Mr. Fauver to make sure that it is compliance and does not represent a hazard to Mr. Pace's immediate family. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Dennis M. Bellm - Mr. Fauver also presented a business license application for Dennis M. Bellm for a gunsmithing business, for Commission consideration and approval. Mr. Bellm would be doing business in the old Jensen Brothers Implement Shop last used by Hans Miller in Cleveland. After Commission consideration, it was noted that the building in which the Gunsmithing shop is to be located does not comply

with the in-home occupation. It was recommended that it be referred back to Mr. Bellm with a recommendation that the building be annexed into Cleveland town. Whereupon, motion was made by Commissioner Duane Collard to deny the Dennis M. Bellm Gunsmithing application with the recommendation that he proceed further with Cleveland town in having his business annexed into the city. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

**DISPOSAL OF SURPLUS PROPERTY - 1983 SHERIFF'S DEPARTMENT VEHICLE**  
Presented to the Commission for their consideration and ratification was the Fixed Assets Disposition form which outlines the trade-in of a 1983 Dodge Ram Charger, Fixed Asset #005230, Serial #1B4GW12V9DS464706, to be traded in on a new vehicle. Motion to dispose of the vehicle by trading it in on a new Sheriff's vehicle was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

(7)

**VEHICLE TRANSFERS - SHERIFF'S DEPARTMENT AND ASSESSOR'S OFFICE**  
Also included on the Fixed Assets Disposition form was the transfer of the 1983 GMC Jimmy Vehicle from the Sheriff's Department to the Assessor's office, Fixed Asset #005058, Vin. #1G5EK18H8DF503706. In turn, the Assessor's Office will trade to the Sheriff's Department a 1979 GMC pick-up, Fixed Asset #002527, Vin. #TKL149F736768. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to allow the transfer of the vehicle from the Sheriff's Department to the Assessor's Office and the pick-up from the Assessor's Office to the Sheriff's Department. Motion was approved by all members present. Emery County Assessor Jim Fauver, who was also in attendance, inquired of the Commission as to disposal of the Buick which had been previously discussed with the Commission. It was the recommendation of the Commission that the vehicle be held until such time as disposal of Sheriff or other vehicles can be arranged in the Spring.

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(8)

**AIRPORT BUILDING ROOF REPAIRS**

Commissioner Jerry Mangum opened three bids received for roof repair at the Huntington Airport. The apparent low bidder was Royce Stilson Construction of Ferron, in the amount of \$1,659, followed by Judd Construction of Castle Dale for \$2,478, and Knipp Construction for \$3,250. Commissioner Mangum expressed the need and urgency for the repairs. Whereupon, motion was made by Commissioner Jerry Mangum to award the contract for roof repairs to Royce Stilson Construction in the amount of \$1,659. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(9)

1987 EXPENDITURE BUDGET ADJUSTMENT - RESOLUTION 12-15-87B

Because of the need to transfer funds to the Airport Account in order to do the aforementioned airport building repairs, motion was made by Commissioner Jerry Mangum to adopt Resolution 12-15-87B which reduces the dues and contributions budget by \$10,000 and increases the airport budget by \$10,000. County Attorney Scott Johansen is to prepare the document for Commission Chairman Clyde Thompson's signature. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(10)

STATE DRUG FORFEITURE AGREEMENT

County Attorney Scott Johansen reviewed with the Commission the proposed agreement he had received from the State regarding forfeiture of confiscated drug-related items. He noted that the State is requesting agreements be made with the counties for prosecution and disposal of assets collected during the confiscation. For confiscations, the County would receive 15% of the cash and 20% of the value after sale of any real or personal property. It was his suggestion that part of this reimbursement go to the County Attorney's office because of the additional work load. (This is in addition to the \$5,000 merit pay increase requested for Gene Strate as well as the 3% pay increase allowed for all county employees beginning January 1, 1988. It was the consensus of the Commission that this could be covered in a Personnel Action Form to be presented at a later date.) However, it was undetermined as to the exact method and rate of payment to the County Attorney's office for those services rendered. It was his recommendation that in the mean time the agreement be signed and sent to the State of Utah. Whereupon, motion was made by Commissioner Duane Collard to approve the agreement and sign the same and forward it on to the State of Utah. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(11)

TAX ANTICIPATION NOTE BIDS

County Attorney Scott Johansen advised the Commission that he has received one bid on the Tax Anticipation Note, it from Zions First National Bank. Commission Chairman Clyde Thompson opened the bid and read it aloud. Their offer was for up to \$5,000,000 in Tax Anticipation Notes to be paid back December 31, 1988, at the interest rate of 6.70%.

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Commission Minutes

December 15, 1987

Tax Anticipation Note Bids, cont. . . .

Commission Chairman Clyde Thompson recognized Zions as the apparent low bid. County Attorney Scott Johansen requested of the Commission that upon review of the documentation and that provided no problems arise, then he be authorized to proceed with the issuance of this Tax Anticipation Note, to which the Commission agreed.

(12)

#### PERSONNEL ITEMS

Emery County Personnel Technician Pat Snowball presented the Personnel Action Form for Lannie Sitterud of Emery to be classified as an Ambulance Driver, to be paid the same as an EMT, effective January 13, 1988. Also presented was the Personnel Action Form for Ronda Cozad of Ferron, to be classified as an Ambulance Driver, to be paid the same as an EMT, retroactive to November 13, 1987.

Whereupon, motion was made by Commission Duane Collard to approve Lannie Siterud and Ronda Cozad to be classified as Ambulance Drivers and added to the Roster. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Mrs. Snowball also presented to the Commission was the Personnel Action Form on Kathy Rice of Emery as Assistant Librarian to be hired as an assistant as approved by the Library Board at the rate of \$5.90 per hour. Motion to approve the same was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

(13)

#### ECONOMIC DEVELOPMENT RECOGNITION

Commission Chairman Clyde Thompson presented to Emery County Economic Development Director Scott Truman a certificate received on behalf of Emery County from the Utah Small Cities, Inc. This is in recognition of Economic Development for the month of October 1987. In which Mr. Truman accepted on behalf of the Commission.

(14)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:10 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:41 p.m. in the absence of Commission Chairman Clyde Thompson who had to attend to other County business. Commissioner Jerry Mangum is to act as Chair. All other members were present.

December 15, 1987

(15)

RESURVEY PLATS - RESOLUTION 12-15-87C

County Attorney, Scott Johansen, presented to the Commission for their consideration the plats completed by Johansen and Tuttle Engineering of the resurvey of eight sections within Emery County as discussed in the previous Commission meeting. Whereupon, motion was made by Commissioner Duane Collard to approve and adopt Resolution 12-15-87C. This Resolution authorizes Commission Chairman Clyde Thompson to sign the same and the plats, adding them to the official plats of Emery County. This is to be done at his earliest convenience. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(16)

LAW LIBRARY

County Attorney Scott Johansen requested of the Commission consideration and approval for him to purchase a five volume index for the ALR Law Books. He noted that these indexes cost a total of approximately \$200. His concern is whether the County should do away with the Law Library completely. However, he felt that he would rather proceed with the purchase of the index which would make the set more valuable in the future to sell if it was determined in the best interest to get away from the Law Library.

(17)

1988 COMMISSION MEETING SCHEDULE

Emery County Clerk, Bruce Funk, presented to the Commission for their consideration the 1988 Commission Meeting Schedule based upon the Commission request of meeting the first and third Wednesday of each month as follows:

	January 6, 1988	10:00 a.m.
	January 20, 1988	10:00 a.m. (Board of Equalization
for		Personal
Property)		
	February 3, 1988	10:00 a.m.
	February 17, 1988	10:00 a.m. (Board of Equalization
for		Personal
Property)		
	March 2, 1988	10:00 a.m.
	March 16, 1988	10:00 a.m. (Board of
Equalization for		

Property) Personal

April 6, 1988 10:00 a.m.  
April 20, 1988 10:00 a.m. (Board of Equalization  
for

Property) Personal

May 4, 1988 10:00 a.m.  
May 18, 1988 10:00 a.m. (Board of Equalization  
for

Property) Real

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1988 Commission Meeting Schedule, cont. . . .

June 1, 1988 10:00 a.m.  
June 15, 1988 10:00 a.m. (Board of Equalization  
for

Property) Personal

July 6, 1988 10:00 a.m.  
July 20, 1988 10:00 a.m. (Board of Equalization  
for

Property) Personal

August 3, 1988 10:00 a.m.  
August 17, 1988 10:00 a.m. (Board of Equalization  
for

Property) Personal

September 7, 1988 10:00 a.m.  
September 21, 1988 10:00 a.m. (Board of Equalization  
for

Property) Personal



October 5, 1988 10:00 a.m.  
October 19, 1988 10:00 a.m. (Board of Equalization  
for  
Personal  
Property)

November 2, 1988 10:00 a.m.  
November 16, 1988 10:00 a.m. (Board of Equalization  
for  
Personal  
Property)

December 7, 1988 10:00 a.m. (Public Hearing @ 2:00  
p.m. 1989  
budget)  
December 15, 1988 10:00 a.m. (Setting of 1989 budget  
and  
Board of  
Equalization for  
Personal  
Property)

Motion was made by Commissioner Duane Collard and seconded by Commission Jerry Mangum to approve the 1988 Commission Meeting Schedule with the Board of Equalization for Real Property to be held on the second meeting of each month. Motion was approved by all members present.

(18)  
1988 COUNTY HOLIDAY SCHEDULE

County Clerk Bruce Funk presented to the Commission the 1988 Holiday Schedule which reflects 11-1/2 holidays for the year 1988. Whereupon, motion was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present to adopt the 1988 holiday schedule of 11-1/2 days as presented. (This was amended in Commission action of January 6, 1988, in that the original Commission action did not approve the 1/2 day for Christmas Eve.)

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New Year's Day 1988

Friday, 01-01-88

Human Rights Day	Monday, 01-18-88
President's Day	Monday, 02-15-88
Memorial Day	Monday, 05-30-88
Independence Day	Monday, 07-04-88
Pioneer Day	Monday, 07-25-88
Labor Day	Monday, 09-05-88
Columbus Day	Monday, 10-10-88
Veteran's Day	Friday, 11-11-88
Thanksgiving Day	Thursday, 11-24-88
Christmas Eve	Friday, 12-23-88 (1/2 day)
Christmas	Monday, 12-26-88

(19)

#### COURTHOUSE ROOF COATINGS

School Board Member Royce Stilson came before the Commission, noting that he had understood that Emery County was interested in recoating the Courthouse roof. He wanted to make them aware of the Carlyle Roofs which the School District is presently replacing many of their flat roofs with in the District. He recommended that two roofing companies be contacted: 1) Commercial Roofing, Mike Flynn and 2) All Weather Roofing, Kelly Duke. The Commission expressed appreciation to Mr. Stilson for making them aware of this matter.

(20)

#### HORN MOUNTAIN POWER LINE

Commissioner Duane Collard reviewed with the Commission the status of the Horn Mountain Power Line project. He noted that they are waiting Utah Power and Light hook up of the line which they have post-poned until a right-of-way can be obtained from Savage Brothers for location of a pole on their property. Mr. Collard indicated that he has been in contact with Savage Brothers and they are agreeable, provided that Emery County purchase a portion of the property which Commissioner Collard suggested 10 acres be purchased. Commissioner Collard indicated that Utah Power and Light require something in writing and asked County Attorney Scott Johansen to make the necessary arrangements. He also requested the assessed values be obtained from the Assessor's office and make an offer to Savage Brothers in order to expedite the project.

(21)

#### LIBRARY AND BOOKMOBILE

Commissioner Duane Collard discussed with the Commission the position of Head Librarian. This position is presently held by Jerilyn Mathis. He noted that as outlined in the guidelines of the Personnel Policy it is a 3/4 time position. However, through some error she has been paid full-time since 1982. He has been in conversation with Mrs. Mathis and she indicates that she puts in a regular day, beginning at 6:00 a.m. and working at the library until Noon. After that time she is doing reading at home on books to place in the library. It was the consensus of the Commission that State Personnel

Supervisor Mike Swallow be contacted to do a job audit and bring the position into compliance.

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Library, cont. . . .

Commissioner Jerry Mangum suggested that in the past, the Commission has not allowed others to work outside of the assigned office. Such as in the case of Mark Tanner, who requested to do County Business from his office. Therefore, he felt that Mrs. Mathis should also be required to work all hours at the library.

Commissioner Collard indicated that he has reviewed the Library budget. One area of concern was the amount spent for the Bookmobile which amounts to approximately \$16,000 per year to come into Emery County. He questioned whether Emery County needed both the libraries and the Bookmobile. It was his suggestion that next year the Bookmobile serve the towns of Elmo, Clawson and Lawrence, who do not have County Libraries and that consideration be given for dropping the Bookmobile service in the other communities. He also suggested that the libraries make arrangements to see if books can be rotated in each library for a better selection.

Commissioner Collard informed those present that he has prepared a letter to proper officials over the Bookmobile, indicating that at mid-year 1988 the Commission would like the opportunity to consider and re-evaluate the Bookmobile service. It was the consensus of the Commission that this would give the County six months in order to evaluate and determine any action to be taken and will also allow time for public input.

(22)

#### SURPLUS PROPERTY DISPOSAL

Commissioner Duane Collard informed the Commission that presently in the Clerk's office there is a Wang Computer originally purchased for Emery County which is no longer in use. He noted that Bill Howell of the Southeastern Utah Association of Governments as well as Clerk Bruce Funk have expressed an interest in purchasing it. Whereupon, motion was made by Commissioner Duane Collard to allow for the disposal of the Wang Computer Software and Printer located in the Clerk's office and that offers be received for Commission approval at a later date. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(23)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:42 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

January 6, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:04 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the Agenda was made.

(1)

COMMISSIONERS MINUTES

A) Amendment to the December 15, 1987, Minutes - Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to amend the minutes of December 15, 1987, in reference to Item #18, on page 7, the 1988 County Holiday Schedule to reflect a total 11-1/2 County holidays rather than 11 days as previously approved. This would include 1/2-day Christmas Eve holiday on Friday, December 23, 1988. Motion was approved by all members present.

b) Minutes of December 15, 1987 - The minutes of the December 15, 1987, Commission meeting were reviewed and corrected. Motion was made by Commission Chairman Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, informed the Commission that at the present time there were no Warrants. A final closing in Warrants would be prepared for Friday, January 8, 1988, and requested that the Commission sign the closing Warrants by Monday, January 11, 1988, in order to close out the year. Also presented to the Commission were the following requisitions:

Req. #	Item and Department	Cost	Action
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1		Two-Way Radio - Sheriff	
1,277.00	Approved		
2		Four Channel Converters for Emery - Communications	3,029.00
	Approved		

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Requisitions, cont. . . .

3		Four Channel Converters for Huntington - Communications	3,029.00
	Approved		

4		Radio Equipment - Civil Defense	2,200.00
	Approved		

Motion was made by Commissioner Duane Collard to approve the requisitions as presented and also to ratify the Warrant Edit List submitted and signed December 30, 1987, which included Warrant #873757 through and including #873875. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(3)  
COMMUNICATIONS DEPARTMENT BUSINESS

Emery County Electronics Technician Bret Mills came before the Commission and discussed complaints received by the Commission regarding television reception in the County. Mr. Mills indicated that some of the causes in the south end of the County were due to lower winter temperatures, causing the frequencies to drift. He further noted that he and Commissioner Collard had been to one location on a complaint and found that it was due to poor quality Cable TV reception. The County signal was tested and found to be adequate. Commissioner Collard suggested that the Cable TV franchise be looked into, requiring the Cable TV signals be sufficient power for proper reception.

Mr. Mills indicated that Emery Town has agreed to furnish \$2,000 to apply to either channel 7 or 11. This would still require the County to come up with an additional \$2,000 to complete the installation of one of the channels. Also discussed was the Huntington Canyon reception. The possibility that the County look into connecting the remainder of the homes in the Ferron Canyon area to cable was also discussed.

(4)

## TREASURER ATTORNEY FEES

Emery County Attorney Scott Johansen informed the Commission that he has received a claim for attorney fee's from Allen S. Thorpe for services rendered to the County Treasurer. Mr. Johansen informed the Commission that it was not an appropriate expenditure and that they are not legally obligated to pay the same. No action was taken.

(5)

## REAPPRAISAL BUDGET - REAPPROPRIATED

Emery County Assessor James Fauver, together with Emery County Auditor Karen Truman came before the Commission regarding reapportionment. He indicated that with the new state-wide guidelines that reapportionment is to be completed over a three-year period with approximately one-third being done each year. This has resulted in approximately \$30,000 being left over. Considered was putting the money into the County fund balance. Also considered was putting it into the multi-county appraisal trust, in which they would hold it until needed.

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January 6, 1988

Reappraisal Budget, cont. . . .

After further dicussion, motion was made by Commissioner Duane Collard to approve the reallocation of the reapportionment money remaining from assessing and collecting to be rebudgeted for use in the reapportionment for the year 1988. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

## ATTORNEY'S BUSINESS

Deputy County Attorney Gene Strate informed the Commission in regards to the Fred Massine claim against the County. He further informed the Commission that Mr. Massine was originally represented by Mr. Michael Harrison. This case was in regards to Mr. Massine being falsly arrested. He originally claimed damages in the amount of \$15,000. Emery County had previously offered \$500 in terms of a settlement which had been turned down. Emery County had taken the position of running the statutory limit in which the case was deemed denied and the matter closed. Mr. Strate informed the Commission that he has now received notice from Mr. George Mangum of Roosevelt, Utah. Mr. Mangum now representes Mr. Massine. He has indicated that he is ready to pursue the matter in Federal Court if Emery County does not meet the original demands. Upon advice of counsel, motion was made by Commissioner Duane Collard that because there has been no change in circumstances that would warrant any change of action, the Commission take the position of the claim being denied. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(7)

#### BEAR CANYON CAMPGROUND - RESERVATION RATES AND DATES

Emery County Clerk, Bruce Funk, discussed with the Commission the Bear Canyon Campground reservation rates and schedule. He inquired of the Commission if they were desirous to increase the rates for the upcoming year. Mr. Funk also explained to them that on Monday, February 1, 1988, at 9:00 a.m. the Clerk's office will begin taking reservations both by phone and at the counter on an equal basis. A notice will be published in the Emery County Progress regarding reservations of the same. It was the consensus of the Commission that the reservation rates and scheduling be done the same as in the past.

(8)

#### SCHOOL BOARD BOUNDARY REALIGNMENTS - PUBLIC HEARING DATE SETTING

Emery County Clerk, Bruce Funk, reviewed with the Commission the voting district boundaries approved on June 4, 1986, in which the voting boundaries of Emery County were realigned by Commission action. The purpose in being before the Commission today is to realign the school board boundaries to more closely coincide with boundary lines of the voting districts. This would eliminate the great number of special ballots having printed as in the past. This would reduce the cost for ballot publication and result in the savings of many thousand dollars to Emery County over the years. This would not affect any school board members. Alignment is very near to the existing boundaries with the exception of District #5 which now primarily constitutes those residents

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School Board Boundaries, cont. . . .

living in the Green River area. Whereupon, motion was made by Commissioner Jerry Mangum to approve the setting of a Public Hearing on February 3, 1988, at 10:00 a.m. for the purpose of obtaining public comments regarding the realignment of school board boundaries and that the County Clerk post those notices as required. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(9)

#### PERSONNEL ITEMS

A) Treasurer's Office - 3/4 Time Clerical Help - Presented to the Commission for their consideration was the Personnel Requisition form for a 3/4 time clerical helper in the Treasurer's office. The date requested for was January 4, 1988, to work a total of 30 hours per week per month for 12 months at an hourly rate of \$6.08 per hour. Whereupon,

motion was made by Commissioner Duane Collard to proceed with the recruitment process. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Lynda Rae Baker - Extension Service Office - Discussed with the Commission for their consideration was the Personnel Action in regards to Lynda Rae Baker who is being reclassified from that of a General Secretary in the Extension Service at a Grade 5, Step 6, or a salary of \$1,394.00 to that of an Extension Secretary at a Grade 5, Step 7, or a salary of \$1,442.00. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Action reclassifying Lynda Rae Baker to that of an Extension Service Secretary at a Grade 5, Step 7, or a salary of \$1,442.00 per month. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) John S. Burdick Reclassification - Sheriff's Department - Presented to the Commission for their consideration was the reclassification of John S. Burdick from a Dispatcher Deputy to a Permanent Deputy II at a Grade 11, Step 1, or a salary of \$1,650.30 per month. Mr. Burdick has been a temporary employee in the past. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the permanent status. Motion was approved by all members present.

C) Jeffrey G. Thomas Reclassification - Sheriff's Department - Presented to the Commission was the Personnel Action Form reclassifying Jeffrey G. Thomas from that of a Dispatcher, Grade 9, Step 1, or a salary of \$1,487.02 to that of a Patrol Deputy II, Grade 11, Step 1, or a salary of \$1,660.30 per month. Motion was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard to approve the reclassification of Jeffrey G. Thomas to that of a Patrol Deputy II, at a Grade 11, Step 1, or a salary of \$1,660.30 per month. Motion was approved by all members present.

D) Brent E. Pace Resignation - Sheriff's Department - Presented to the Commission was the Personnel Action Form for Brent E. Pace of Green River, Utah, who is terminating his employment with the Emery County Sheriff's Department effective December 31, 1987. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form and the resignation of Brent E.

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Personnel Items, cont. . . .

Pace, effective December 31, 1987. The Commission is to review the starting salary at such time as Mr. Pace request rehiring with the County. Motion was seconded by Commissioner Duane Collard and approved by all members present.



RESOLUTION 1-6-88 - RESOLUTION AMENDING THE EMERY COUNTY  
PERSONNEL POLICY

Presented to the Commission for their consideration was Resolution 1-6-88 which amends the Emery County Personnel Policy in the following areas: 1) Class Specification of Office Manager - this is to be eliminated from the Personnel Policy; 2) H be added to Section I under the Administration which clarifies and helps define the intent of the Personnel Policy; 3) That Subsection J be added to Section VIII under Compensation which requires those employees who terminate their employment with the County within one year from receiving education or training paid for by the County that he/she will repay the County for the cost of such education or training; 4) Changing Subsection J under the same to K; 5) The setting of the holiday leave to include 11-1/2 days annually; 6) Class specification of Secretary in the Extension Office be added and that the class specification be added to the County Personnel Policy; 7) The amended salary plan schedule be placed in the Personnel Policies which reflect the 3% increase adopted in December 1987. Whereupon, motion was made by Commissioner Duane Collard to approve Resolution 1-6-88. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. (We have not received the Resolution to be filed in the Clerk's office as of yet.)

(11)

HUNTINGTON AIRPORT

Mr. Craig Johansen and Mr. Howard Tuttle of Johansen and Tuttle Engineering came before the Commission to review the status of the proposed improvements at the Huntington Airport. Reviewed with the Commission were the possible runway extensions. Also discussed were the problems with each of the alternatives wherein it was the consensus of the Commission to proceed with extending the existing main runway. Mr. Johansen indicated that they should have the application completed and back for Commission review at the next Commission meeting.

(12)

ADJOURNMENT FOR LUNCH

Commission adjourned for lunch at 12:00 noon. The meeting reconvened at 1:00 p.m. with all members present.

(13)

MUSEUM

Mr. John Judd of the Emery County Museum Board came before the Commission and reviewed the grant application being made with the Community Impact Board. Mr. Judd indicated that approximately \$700,000 of the grant application which was in the amount of \$3,215,000 was being earmarked for the Emery County

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January 6, 1988

Museum, cont. . . .

Museum. Other agencies included in the grant application are the Helper Mining Museum, College of Eastern Utah Prehistoric Museum in Price, and the Green River History Museum. Indications from others are that conditions look favorable for funding the project with the Price request possibly being considered first. Mr. Judd further emphasized the need for the Emery County facility to become accredited. In so doing, this would require a full-time curator. Mr. Judd was very optimistic towards the projects. He appreciated the Commission support in the past and reminded them of the meeting and location with the Community Impact Board.

(14)

#### SURPLUS PROPERTY DISPOSAL

Commissioner Duane Collard read allowed the bid from Bill Howell of the Southeastern Utah Association of Governments for the Wang Computer and accessories in the amount of \$1,100. The only other bid being received was from Bruce Funk in the amount of \$865.00. The computer and accessories are now located in the Clerk's office. Commissioner Collard noted that Mr. Bill Howell was the apparent high bidder and that provided all conditions were met, that the computer be sold to him. This was previously approved in the Commission meeting of December 15, 1987.

(15)

#### COMMISSION ASSIGNMENTS

After discussion, it was the consensus of the Commission that Commission Chairman Clyde Thompson remain as Chairman of the Board of Emery County Commissioners for the year 1988 and that all assignments and responsibilities remain the same for the year 1988.

(16)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:06 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

January 20, 1988

Those present at the meeting were Commissioners Clyde Thompson and Jerry Mangum; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk. Commissioner Collard was excused from the meeting.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson

A review of the Agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the January 6, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

#### ATTORNEY'S BUSINESS

A) Drug Forfeiture Agreement - Emery County Attorney Scott Johansen informed the Commission that he has received back the signed Agreement from the State of Utah in regards to drug forfeiture monies and properties. He noted that they have reinserted that it be based on net proceeds whereas he had originally taken it out in forwarding the document back to them. It was his request of the Commission that unless they disagree, he would let the matter go and work it out with the other agency.

B) Emery and Grand Counties Weed and Mosquito Agreement - County Attorney Scott Johansen informed the Commission that he has completed the draft of the agreement between Emery County and Grand County for weed and mosquito treatment. This is to be furnished by the Emery County Weed and Mosquito Department. He questioned whether Weed and Mosquito Supervisor James Nielsen has had sufficient time to look through the Agreement. He indicated that two additions have been made to the Agreement, in that should there be, because of wilderness, any chemical changes in which the cost would increase, that those proportionate increases would be passed on to Grand County. The Agreements in the past have been from year-to-year and this is now a five-year Agreement. Upon his recommendation, it was the consensus of the Commission that the original be forwarded to Grand County for review and signatures and returned to the Emery County Commission for their signatures.

January 20, 1988

(3)

#### TREASURER ATTORNEY FEES

Emery County Auditor Karen Truman, together with Emery County Treasurer Elaine Wilson, presented to the Commission the claim for attorney fees from Allen S. Thorpe for services rendered to the Emery County Treasurer. Mr. Johansen informed the Commission that they are not required to pay the claim. He indicated that the services rendered were for Elaine Wilson personally and not as the Emery County Treasurer. Wherein, Mrs. Wilson objected in that the investment was made while serving in the capacity of County Treasurer. Commission Chairman Clyde Thompson indicated that he would probably consider voting against it and suggested that the item be held until such time as Commissioner Collard could be present for a full quorum and majority vote on the matter. Approved for Elaine Wilson were claims for mileage and personal expenses.

(4)

#### DEPUTY COUNTY ATTORNEY AGREEMENT

Deputy County Attorney Gene Strate presented to the Commission for their consideration an agreement between himself and Emery County wherein he agrees to represent Emery County and the State of Utah as civil counsel for drug related forfeitures pursuant to the Utah Code effective February 1, 1988. This is for a period of eleven months. Mr. Strate will perform this attorney's service on his own time and this time shall not be part of his duties as Deputy Emery County Attorney. Mr. Strate will be paid the sum of \$800 per month as attorney fees. It was noted that all cash and money forfeited by Mr. Strate will remain property of the County and the State of Utah as per the distribution agreement made between Emery County and the State of Utah. Whereupon, motion was made by Commissioner Jerry Mangum to accept the agreement, wherein the the County shall pay Mr. Strate \$800 per month as attorney's fees for handling drug-related forfeitures for the County as discussed. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(5)

#### BOARD OF EQUALIZATION FOR PERSONAL PROPERTY

Commission Chairman Clyde Thompson opened the meeting at 11:00 a.m. as the Board of Equalization for Personal Property. No one appeared or expressed need for any adjustments. Wherein, Commission Chairman Clyde Thompson moved to close the meeting at 11:04 a.m. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)  
BUSINESS LICENSES

Emery County Zoning Administrator James Fauver presented the following business license applications for Commission consideration:

- A) Business: Sportsmans Lodge ; Applicant: Arthur Payton;  
Place of Business: Joe's Valley, Utah;  
Business Type: Cafe and General Store
- B) Business: Desert Draperies ; Applicant: Thelma Livingston;  
Place of Business: Cleveland Ridge, East of Huntington  
Business Type: Fabrication and selling of draperies
- C) Business: Irontree Industries ; Applicant: Val G. Bell;  
Place of Business: 712 East Highway 10, Huntington, Utah;  
Business Type: Metal Fabrication

Whereupon, motion was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson to approve the above business license applications. Motion was approved by all members present.

(7)  
ASSESSOR'S BUSINESS

Emery County Assessor James Fauver requested of the Commission their signatures on a claim which would be for pre-registering for schooling on assessing of mobile homes. Schooling is to take place in Las Vegas, Nevada. Mr. Fauver indicated that himself and Jan Petersen of the Assessor's office would attend. The cost would be \$195.00 each. The Commission approved the same so that a hand-written check could be issued immediately.

(8)  
PERSONNEL ITEMS

A) Amendments to the Emery County Personnel Policy, Resolution 1-20-88 - Emery County Personnel Technician Pat Snowball presented to the Commission for their consideration Resolution 1-20-88 which changes the class specification of the Weed and Mosquito Abatement Worker from a Grade 7, to that of a Grade 5. Whereupon, motion was made by Commissioner Jerry Mangum to approve and adopt Resolution 1-20-88, which changes the grade classification on the Weed and Mosquito Abatement Worker

from that of a Grade 7, to that of a Grade 5. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

B) Stanley J. Nielson - Red Circle Wages - Personnel Technician Pat Snowball presented the Personnel Action Form on Stanley J. Nielson of Orangeville, who is a permanent employee of the Sheriff's Department as an Animal Control officer and that the action calls for his salary to be red-circled. This is not to exceed two years. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form in regards to Stanley J. Nielson.

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Personnel Items, cont. . . .

Wherein, his wages will be red-circled as required by the Emery County Personnel Policy at this time, noting that his present salary exceeds the scale, or until such time as the scale catches up with it. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

C) Carol O'Brian - Termination of Temporary Employment - Also presented to the Commission for their consideration was the Personnel Action Form for Carol O'Brian of Ferron, Utah. She was temporarily hired in the Assessor's Office as a Data Collector. She has fulfilled that assignment and is being released at this time. Motion was made by Commissioner Jerry Mangum and seconded to Commission Chairman Clyde Thompson to accept the Personnel Action Form for Carol O'Brian, terminating her temporary employment in the Assessor's office. Motion was approved by all members present.

D) Loralie C. Pearson - Presented to the Commission was the Personnel Action Form for the hiring of Loralie C. Pearson of Orangeville, Utah, as a Deputy Treasurer on a permanent part-time status - 3/4 time, or a total of 1,560 hours per year at a wage of \$5.90 per hour. This was previously approved by the Commission. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form and the hiring of Loralie C. Pearson of Orangeville as a permanent part-time Deputy Treasurer to be paid at the rate of \$5.90 per hour for a total of 1,560 hours per year, effective February 1, 1988. Motion was approved by all members present.

E) Weed and Mosquito Abatement Worker - Presented to the Commission was the Personnel Requisition Form for filling the position of a full-time Weed and Mosquito Abatement Worker. The date needed is February 1, 1988, and would be on a Grade 5, Step 1, or a beginning salary of \$1,176.00 per month as approved in Resolution 1-20-88. Whereupon, motion was made by Commissioner Jerry Mangum to accept and approve the Personnel Requisition Form and begin the recruitment process for a Weed and Mosquito Abatement Worker which is a permanent full-time position at a Grade 5, Step

1, or a salary of \$1,176 per month to begin work February 1, 1988. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

F) Green River JP Clerk - Presented to the Commission for their consideration was the Personnel Requisition Form for a Justice of the Peace Court Clerk in Green River. This would be for less than 20 hours per week with no benefits, to be paid at the rate of \$4.00 per hour. This is to replace Jackie Powell who has resigned from the position. Motion was made by Commissioner Jerry Mangum to approve the Personnel Requisition Form and to ratify Commission approval given on January 12, 1988, to begin the recruitment process. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

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January 20, 1988

(9)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 11:38 a.m. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:00 p.m. with all members present.

(10)  
ROAD DEPARTMENT BUSINESS

A) Crack Sealing Program - Road Superintendent Rex Funk presented to the Commission for their consideration two bids received for sealing of highway asphalt cracks. One from M & M Asphalt Service in the amount of \$18,275.00 and one from Interstate Asphalt in the amount of \$16,453.60. This is for approximately 15.7 ton of hot rubberized crack sealer. Mr. Funk further reviewed with the Commission the cost if the County was to undertake sealing the asphalt cracks themselves. It was his recommendation that the County Commission approve the contracting of the service in that sufficient monies have been budgeted to cover the same. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to recognize Interstate Asphalt as the apparent low bid in the amount of \$16,453.60. The Commission authorized Road Superintendent Rex Funk to proceed in having the work done. Motion was approved by all members present.

B) Genwal Snow Removal Equipment - Mr. Funk informed the Commission that the Road Department has a surplus Mack truck with plows and sander in which Genwal Coal

Company has expressed an interest in purchasing. This purchase would be to take care of snow removal on roads to their mine in Cradle Canyon. This would benefit both Genwal and the County because of the low frequency rate in which the Emery County Road Department is able to scrape the roads. Whereupon, motion was made by Commissioner Jerry Mangum to approve the sale of the equipment to Genwal for an approximate price of \$6,000 to \$6,500. The Mack tract is to be removed from the fixed assets of the Emery County Road Department and that Road Superintendent Rex Funk prepare the necessary paper work for proper disposition. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

C) Orangeville City Request for a Sander Only - Also reviewed with the Commission was Orangeville City's request for a sander only which is presently surplus property in the Emery County Road Department. Whereupon, motion was made by Commissioner Jerry Mangum to approve the disposition of the road sander to Orangeville City. The amount is to be credited on behalf of Emery County towards the mobile home purchased from Orangeville by the County for the Road Department offices. Rex Funk is to prepare the necessary paper work for proper disposition of the same. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

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Road Department Items, cont. . . .

D) Cleveland and Elmo Snow Removal - Mr. Funk further discussed with the Commission a request he had received from Cleveland and Elmo in regards to a snow removal agreement with the County. However, it was the consensus of the Commission that at the present time they could not provide that service to the communities.

E) Flood Budget Projects Discussed - Reviewed with the Commission was their intent as to whether the 1 mil for flood would remain in the budget for completion of flood projects. The Commission advised Road Superintendent Rex Funk that it was not their intent to remove the 1 mil at the present time.

F) Road Abandonment - Road Superintendent Rex Funk was requested to prepare a list of all roads to be considered for abandonment and to furnish it to the County Attorney who will prepare the necessary documentation for a public hearing and consideration of abandonment.

G) Van Trailer Purchases - Road Superintendent Rex Funk requested permission of the Commission to purchase two vans for use in the Road Department. One is to be located with the crusher and the second one would be located in the field as needed and would contain supplies. After discussion, motion was made by Commissioner Jerry Mangum to



approve a trailer for the crusher only at this time Mr. Funk was directed to look into one of the trailers owned by Utah Power and Light which could be purchased at a cost of \$900 provided that they can be modified to suit the needs and are not severely damaged. Whereupon, Mr. Funk was authorized as an alternative to purchase one from Fruehauf in Salt Lake at a cost of up to \$1,800.

H) Disposal of Surplus Mobile Home to Clawson - Commissioner Jerry Mangum reviewed a letter he had received from Clawson Mayor Wade Riley requesting a surplus mobile home from the County. This trailer was made available to the County in exchange for a metal building which was furnished to Ferron City. He further noted that Emery County has no need or use for the trailer. It was his recommendation that the Commission consider the request wherein Clawson provide the building for all public meetings and that it be made handicapped accessible when used as a polling place. Wherein, Road Superintendent Rex Funk was requested to prepare a proposal to the Commission for disposing of the mobile home to Clawson City. County Attorney Scott Johansen is to prepare the necessary paperwork in order to make that transfer.

(11)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:15 p.m. was made by Commission Chairman Clyde Thompson, seconded by Commissioner Jerry Mangum and approved by all members present.

#### HELD IN THE EMERY COUNTY COURTHOUSE

February 3, 1988

Those present at the meeting were Commissioners Clyde Thompson, and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk. Commissioner Jerry Mangum was away attending to other County business and was excused from the meeting.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

(1)

#### PUBLIC HEARING - SCHOOL BOARD BOUNDARIES

Commission Chairman Clyde Thompson opened the meeting at 10:00 a.m. for the purpose of receiving public comment regarding the realignment of the school board

boundaries. Those present at the meeting were: John Jorgensen, Zora Peacock, Chris Stucki, Sharon Smith, Jim Fauver and Bart Cox.

- John Jorgensen - Mr. John Jorgensen addressed the Commission with his concerns: 1) He indicated that the total population is what needs to be considered, not the number of registered voters. 2) The new boundaries do not meet with the Supreme Court decision of one-man, one-vote (i.e., each area is represented with the same population per area). 3) Huntington has always been divided, Castle Dale has not. Mr. Jorgensen asked why another city such as Ferron could not be divided, instead of Castle Dale. Mr. Jorgensen indicated that the areas need someone who will represent their own areas, i.e., Castle Dale should be represented by a Castle Dale resident, rather than a Huntington resident.

- Zora Peacock - Zora Peacock addressed the Commission and indicated that she is in favor of the realignment. She indicated that the Castle Dale people are currently included in the Green River boundary and feel they are not represented with the current boundaries. She further indicated that she feels like a representative from Huntington would represent Castle Dale just as well as one from Castle Dale.

- Wes Curtis - Chris Stucki read a letter from Wes Curtis who was unable to be in attendance at the meeting. In the letter, Mr. Curtis indicated that the new boundaries are not fair to Castle Dale and that at the present time, it was his recommendation that the boundaries should not be realigned.

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Public Hearing, cont. . . .

- Chris Stucki - Chris Stucki indicated that the new boundaries are not fair to a number of communities. She feels there could be a better way to realign the boundaries. Mrs. Stucki indicated that a representative from Huntington will not represent Castle Dale as well one from Castle Dale. Mrs. Stucki further noted that Castle Dale is getting shafted.

- Bart Cox - Bart Cox was present to represent Orangeville City. Mr. Cox informed the Commission that his purpose in being to the meeting was to indicate Orangeville City Council's support of the proposed changes.

- Jim Fauver - Jim Fauver indicated that with the present boundaries, the Orangeville residents in the Green River boundary feel they have no representation. In response to the comments and concerns of those present, County Clerk Bruce Funk indicated that with the present boundaries, Castle Dale is partially divided. The new boundaries were created to try to match up to the census or voting district boundaries. The law requires that population and compactness be taken into consideration when realigning the boundaries, preserving the integrity of the communities is also of importance. Mr. Funk further indicated that there was no intention to divide Castle Dale. All communities deserve the same opportunities. Mr. Funk noted that the boundaries

either remain the same or that changes be made as proposed or a third alternative would be to move those portions of Castle Dale and Orangeville in District #5 into District #4.

Commissioner Collard, in response to the letter from Wes Curtis, indicated that the new boundaries would be more compact and that it would provide for a more equitable representation particularly to those parts of Castle Dale and Orangeville who are in with the Green River areas.

Commission Chairman Clyde Thompson suggested that the people who are unsatisfied with the realignment get together to come up with a better solution. There are certain guidelines that need to be followed and the group is going to need to be aware of those guidelines. It was the consensus of all those present that Green River needs separate representation since they are a separate community and are far removed from the others.

Clerk Bruce Funk indicated that he can provide the group with the guidelines and other necessary information. He further indicated that the School Board has supported the realignment twice.

Whereupon, Commission Chairman Clyde Thompson closed the Public Hearing at 10:50 a.m.

(2)  
COMMISSIONERS MINUTES

The minutes of the January 20, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commission Chairman Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(3)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #880001 through and including #880200 for payment. She also presented hand-written items #1052 to #1062 for payment. Motion was made by Commission Chairman Clyde Thompson to deny the claim of Allen S. Thorpe for attorney fees rendered in behalf of Elaine Wilson and to accept the Warrant Edit List as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

The following requisitions were presented for consideration:

Req. #	Item and Department	Cost	Action
5 Approved	Windshield Repair System - Highway	249.00	
6 Approved	Channel Cards for Cedar Mountain - Communications and Highway	1,170.00	

Motion to approve the requisitions was made by Commission Chairman Clyde Thompson, seconded by Commissioner Duane Collard and approved by all members present.

(4)

#### UNEMPLOYMENT COMPENSATION INSURANCE - TERMINATION

Emery County Auditor Karen Truman reviewed a letter she has received from the Utah Association of Counties regarding the UAC Unemployment Compensation Insurance Plan with Gibbens Company. After discussion, motion was made by Commissioner Duane Collard not to renew the contract with Gibbens Company for the unemployment compensation insurance as discussed. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(5)

#### JIM WHEAR - FOUR CORNERS MENTAL HEALTH - RESOLUTION 2-03-88

Mr. Jim Whear, Director of the Four Corners Mental Health came before the Commission requesting their consideration and approval of the Resolution 2-3- 88, authorizing incorporation of Four Corners Mental Health. He noted that this would enable them to receive a loan from the Community Impact Board for the purchase of a building. He further noted that four Community Health Centers in the State of Utah have previously incorporated. He noted that the incorporating board would consist of a County Commissioner from each County and Mr. Whear. According to the bylaws, the Corporate Board would consist of 12 members. The concern was discussed with Mr. Whear that should the organization at some future time dissolve, what would happen to the properties. Mr. Whear responded in that they would be distributed proportionately back to the counties in the same percentage as the contributions have been made to the program. County Attorney Scott Johansen indicated that in some entry he read it appeared that counties could possibly be voted out. Mr. Whear said it is of sufficient concern and protection needed to be provided to all counties.

Jim Whear, cont. . . .

Whereupon, motion was made by Commissioner Duane Collard to authorize the Emery County Commission to sign the final resolution allowing for the incorporation of the Four Corners Mental Health, Resolution 2-03-88. This is to be done upon receipt of a corrected and acceptable copy of the resolution. Motion was seconded by Commission Chairman Clyde Thompson and accepted by all members present. Mr. Whear will get back with the information and corrected copies.

(6)

#### DUI TREATMENT SERVICES IN EMERY COUNTY

Mr. Jim Whear, Administrator of the Four Corners Mental Health also involved in the Education and Treatment Services for DUI offenders came before the Commission regarding the DUI rehab center reimbursement. Mr. Whear requested the Commission consider reimbursement to the DUI rehab center for services rendered to Emery County DUI victims in the amount as follows: Assessment service is \$50.00 per referral, Education series is \$50.00 per referral and treatment service is \$50.00 per hour up to a maximum of \$300.00. Mr. Whear informed the Commission that the Court for first-time offenders has typically fined them \$150.00. On seconded offenders, etc., it could be up to \$1,000. Whereas, in the past, the rehab center has charged Emery County for those using the services only \$20.00 of the \$150.00. Therefore, this has created a surplus fund with Emery County. Mr. Whear indicated that under the proposed system, other state monies would still be used to greatly subsidize the actual costs which are estimated to be in the range of \$30 to \$40 per hour. Part of his proposal would be to hire additional help which would work with Adult Probation and Parole to monitor those offenders to see that treatment is received. However, it was questioned if this would be a duplication of service. It was also the consensus of those present that any such program should be self-sufficient. Commissioner Duane Collard requested time to consider the request further and that Mr. Whear talk to Adult Probation and Parole and iron out any duplication of services. Also, Mr. Whear is to find out whether this would require full-time or part-time staffing.

(7)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commission Chairman Clyde Thompson to adjourn for lunch at 12:15p.m. Motion was approved by all members present.

Meeting reconvened at 1:29 p.m. with all members present.

(8)

#### DENNIS FULLER CONTRACT INCREASE REQUEST

Dennis Fuller who is under contract with Emery County for custodial services, requested of the Commission consideration for an increase in his contract. He noted that in the past when employees of Emery County have received a set percentage increase that typically, his contract has been increased by that same amount percentage. It was also his understanding that should County employees receive a cut, he would also be proportionately effected. The

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Dennis Fuller, cont. . . .

Commission advised Mr. Fuller that earlier in 1987 when he received insurance benefits from the County, that the other employees had not received any other additional benefits. It was their request that he come back in August and discuss the possibility further with the Commission. Commission Chairman Clyde Thompson inquired of Mr. Fuller if a snow blower for use at the Court House would be of benefit since in that past it has been his responsibility to furnish all equipment and this may reduce some of his costs. To which all concurred. Mr. Fuller further discussed problems with the library heating and air conditioning systems. He noted that he is presently by correspondence schooling taking classes in heating and air conditioning. This could result in considerable savings to the County for those services normally provided by others out of the County in maintaining the heating and cooling units. It was the consideration of the Commission that the County may in the future hire Mr. Fuller to do more of the work and compensate him accordingly.

(9)  
BUSINESS LICENSE

Emery County Zoning Technician James Fauver presented the following application for business license to the Commission for their consideration:

A) Business: Mary's ; Applicant: Mary Israel;  
Place of Business: Emery Star Route;  
Business Type: Home Assembly Work

Whereupon, motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the business license. Motion was approved by all members present.

(10)  
TAX ANTICIPATION NOTE

County Attorney Scott Johansen reviewed with the Commission the proposed and scheduled issuance of \$5,000,000 in Tax Anticipation Notes. He noted that at

the present time, it is not economically feasible to do the same and advised the Commission to reconsider it in the near future. Whereupon, motion was made by Commissioner Duane Collard that the Board of Emery County Commissioners not approve the Tax Anticipation notes in the amount of \$5,000,000 at this time because of the difference in the cost of borrowing and reinvesting it did not justify the cost at this time and that County Attorney Scott Johansen, as soon as it is feasible proceed with the issuance of a new Tax Anticipation Note. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. County Attorney Scott Johansen indicated that we may be under obligation to reimburse Chapman and Cutler, Bond Counsel, for the work done on this Tax Anticipation Note unless the next one can be done in the very near future. If they are to request payment, he would secure all paperwork from them and use on the next note, making any corrections or updates himself.

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(11)

CABLE TELEVISION FRANCHISES

County Attorney Scott Johansen informed the Commission that he has prepared for their consideration an ordinance transferring a non-exclusive cable television franchise from Green River Cablevision to Citation Cable Systems, Ltd. He noted that Green River City has approved the franchise transfer. He indicated that they only have a few connections outside the city limits and within the boundaries of Emery County.

The second ordinance is an Ordinance granting non-exclusive cable television franchise to E and L Cable Communications, Inc., of which Allen Sharp is the owner and operator. Mr. Sharp is now wishing to locate and serve the communities of Cleveland, Elmo and the North Emery area.

Mr. Sharp has informed Mr. Johansen that it is now unlawful for the counties to regulate the rates and, therefore, Mr. Johansen has taken that clause out. Commissioner Duane Collard indicated that he had read the ordinance and it was his opinion and concern that they needed to insure the quality of reception to the user. County Attorney Scott Johansen noted that provided therein, the Commission can hold a hearing on consideration of revocation of a franchise. Mr. Johansen noted that Mr. Sharp had requested a reconsideration in the fee structure, that it be changed from 3% of the gross annual revenue to 3% of the monthly basic service fee. The Commission agreed. It was further noted that in regards to the Green River Cablevision, they had not made their annual payments according to to Emery Counties records. Whereupon, it was the consensus of the Commission that County Attorney Scott Johansen proceed with the ordinances, requesting that Green River Cablevision show a record of payment on the

franchise and also property tax payments. Also, change to a monthly basic service fee and to leave the fifteen year term. This is to be brought back to the Commission for further consideration and review.

(12)

#### PERSONNEL ITEMS

Emery County Personnel Technician Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department - Mechanic or Operator II - Presented to the Commission for their consideration was the Personnel Requisition Form for a Mechanic or Operator II. This person is to replace Loren Oviatt who has retired. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Requisition Form and to proceed with recruitment. Motion was approved by all members present.

B) Road Department - Operator II - Presented was the Personnel Requisition Form for an Operator II. This person being needed immediately. This is a permanent full-time position to temporarily replace Don Morlan who will be off from work for approximately three months because of illness. After which Terry Akelund will be retiring. Therefore, the position calls for a person to work the first three months in Castle Dale, after which they would be located in the Green River shop. The position will be at a Grade 11, Step 1 or a salary of \$1,638.00 per month. Motion was made by Commissioner Duane Collard and

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Personnel Items, cont. . . .

seconded by Commission Chairman Clyde Thompson to approved the personnel Requisition Form and to proceed with recruitment. Motion was approved by all members present.

C) Road Department - Reclassification of John Powell - Presented was the Personnel Action Form for John Powell of the Road Department who is presently classified as an Operator II at a Grade 11, Step 6, or a salary of \$1,939.22 per month, being reclassified to that of a Crew Leader at a Grade 13, Step 5 or a salary of \$2,090.90 per month, with an exempt status. After review and consideration, motion was made by Commission Chairman Clyde Thompson to okay the reclassification of John Powell from an Operator II to a Crew Leader with exempt status at a Grade 13, Step 4 or a salary of \$2,022.00 per month, effective February 16, 1988, after he has used his accumulated comp time. Motion was seconded by Commissioner Duane Collard and approved by all members present.



D) Road Department - Don Morlan Reclassification - Presented to the Commission was the Personnel Action Form for Don Morlan to be reclassified from that of a Shop Foreman at a Grade 13, Step 5 or a salary of \$2,163.00 per month to that of an Operator II, at a Grade 11, Step 8 or a salary of \$11.58 per hour. This was at Mr. Morlan's request. Whereupon, motion was made by Commissioner Duane Collard to approve the reclassification of Mr. Morlan from that of a Shop Foreman to an Operator II as requested at a Grade 11, Step 8 or a salary of \$11.58 per hour. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

E) Auditor's Office - Lorna Davis and Charlane Luke Merit Increases -Presented to the Commission for their consideration were the Personnel Action Forms for Lorna Davis and Charlane Luke, both of the Auditor's office. Lorna Davis is to have a merit change from a Grade 6, Step 7 or a salary of \$1,522.00 per month to a Grade 6, Step 8 or a salary of \$1,575.00 per month. Charlane Luke is to receive a merit change from a Grade 5, Step 6 or a salary of \$1,394.00 per month to a Grade 5, Step 7 or a salary of \$1,440.00 per month. Whereupon, motion was made by Commissioner Duane Collard to deny the request at this time in that Emery County presently has a freeze on all merit increases. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

F) Sheriff's Office - Gayle Jensen - Temporary Hire - Presented to the Commission for their consideration was the Personnel Action Form for Gayle Jensen of Castle Dale, Utah, to be a temporary hire as a jailer with no benefits at the rate of \$8.84 per hour. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form temporarily hiring Gayle Earl Jensen as a Jailer to replace Brad Pace. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

G) Sheriff's Office - Presented to the Commission for their consideration was the request of the Sheriff's Department to move LeeAnn Skipps to permanent status. This would mean a change from Grade 5, Step 1 to a Grade 5, Step 5 and would remove her from the probational status pay scale from which she was

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Personnel Items, cont. . . .

hired. Whereupon, motion was made by Commissioner Duane Collard to table the action, noting that there are numerous employees in the County who are still at the same status under which they were hired initially. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

H) Sheriff's Office - Dick Duncan Resignation - Presented to the Commission was the Personnel Action Form for Olen R. (Dick) Duncan of Castle Dale, Utah, who has terminated his employment with the Emery County Sheriff's Department. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the resignation of Dick Duncan of the Sheriff's Department and approve the Personnel Action Form as presented. Motion was approved by all members present.

I) Weed and Mosquito Department - Presented to the Commission was the Personnel Action Form for Leslie D. Reese who will serve as a Weed and Mosquito Worker. Leslie Reese has previously worked for the Weed and Mosquito Department and is familiar with the rules and regulations and will be hired at a Grade 5, Step 1 or a salary of \$1,176.00 per month. Whereupon, motion was made by Commissioner Duane Collard to approve the hiring of Leslie D. Reese in the Weed and Mosquito Department as a Worker at a Grade 5, Step 1 or a salary of \$1,176.00 per month, effective immediately. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

J) Green River JP Clerk - Presented to the Commission for their consideration was the request of the Green River Justice of the Peace Arel Hunt for the hiring of Carol Ekker as the Green River JP Court Clerk at the rate of \$4.00 per hour for less than 20 hours per week with no benefits, effective February 1, 1988. Whereupon, motion was made by Commissioner Duane Collard to approve the hire of Carol Ekker as the JP Court Clerk at the rate of \$4.00 per hour not to exceed 20 hours per week and without benefits, effective February 1, 1988. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(13)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:06 p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

February 17, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the Agenda was made.

(1)

CASTLE VALLEY SPECIAL SERVICE DISTRICT - GENERAL OBLIGATION BONDS - EMERY TREATMENT PLANT

Darrell Leamaster, Administrator of the Castle Valley Special Service District, together with Board Chairman Dorr Hansen and Service District Attorney Mack Bunderson came before the Commission. Mr. Leamaster informed the Commission that the Special Service District has been working for over a year and a half in order to provide Emery with a Water Treatment facility. He noted that they had received \$285,000 in grant money from the Community Impact Board and a loan for \$145,000. It was originally thought this could be done in the form of Revenue Bonds to Emery Town but Emery already has Revenue Bonds outstanding. It was indicated it would be better if the Service District did this through General Obligation Bonds of which they have voter authorization for approximately \$600,000 remaining. Mr. Leamaster also indicated that they are considering aerating the Huntington Sewer Lagoons which would be in the amount of approximately \$108,000. The total for both projects is \$253,000 at a 5% - 10-year payback rate. This would mean an annual payment of \$32,763.50 or a 1987 tax valuation of .000021 or a .14 mill tax increase which would be approximately \$1.40 per year additional on a \$60,000 home. It was the recommendation of Mr. Leamaster and the Board of the Castle Valley Special Service District that the Commission authorize the same. Commissioner Duane Collard indicated that he hated to raise the mill rate for tax payers. County Attorney Scott Johansen indicated that the problem is more severe in that Emery Town is losing their wells and the project is inevitable. Mr. Leamaster indicated that the \$285,000 grant received has already been used in purchasing equipment for the plant. He noted that the Board feels that the Emery Plant is the most crucial and critical. Whereby, they expressed concern that they would not want the Huntington project to delay the Emery one. Whereupon, after further consideration, motion was made by Commissioner Duane Collard to authorize the Castle Valley Special Service District to prepare the resolutions for Commission consideration and approval allowing the sale of \$253,000 in General Obligation Bonds which has already received public authorization, noting

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CVSSD, General Obligation Bonds, cont. . . .

that the Commission has an obligation to the public to provide culinary water. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)

## COMMISSIONERS MINUTES

The minutes of the February 3, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(3)

### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #880280 through and including #880447 for payment. No requisitions were presented for consideration. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve payment of the Warrants as presented. Motion was approved by all members present.

(4)

### TRANSFER OF FUNDS INTO THE TAX STABILITY AND TRUST FUND - RESOLUTION 2-17-88A

County Attorney Scott Johansen presented to the Commission for their consideration Resolution 2-17-88A. The Resolution provides for the transfer of \$865,170 of the unappropriated balance of the General Fund into the Tax Stability and Trust Fund created by Emery County Ordinance #7-19-80D. It was noted this would make about \$4.2 million in the Tax Stability and Trust Fund. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approved Resolution 2-17-88A authorizing the transfer of \$865,170 from the unappropriated balance of the General Fund into the Tax Stability and Trust Fund as discussed. Motion was approved by all members present.

(5)

### TRANSFER OF FUNDS INTO THE LIBRARY TAX STABILITY AND TRUST FUND - RESOLUTION 2-17-88B

County Attorney Scott Johansen presented Resolution 2-17-88B to the Commission. The Resolution transfers \$150,000 of the unappropriated balance of the library fund to be transferred into the Library Tax Stability and Trust Fund created by Emery County Ordinance #10-3-84C. He noted that this would leave approximately \$75,000 remaining in the unappropriated library fund. Whereupon, motion was made by Commissioner Duane Collard to approve and adopt Resolution 2-17-88B and authorize the transfer of \$150,000 of the unappropriated balance of Library Fund to be transferred into the Library Tax Stability and Trust Fund as discussed. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

ROAD DEPARTMENT BUSINESS

A) Huntington and Cleveland Maintenance Operation Map - Presented to the Commission for their consideration were the maps of both Huntington and Cleveland covering those roads for which Emery County would continue to maintain. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard that they accept and authorize Commission Chairman Clyde Thompson to sign the same. Motion was approved by all members present.

B) Disposal of Surplus Equipment - Bill of Sale - Road Superintendent Rex Funk presented to the Commission a check in the amount of \$11,610.00 from the sale of a Galion Grader and a Mack Truck as previously approved. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to accept the check in the amount of \$11,610.00 and that Commission Chairman Clyde Thompson be authorized to sign the Bill of Sale for those pieces of equipment. Motion was approved by all members present.

C) Disposal of Surplus Equipment - Henke Snow Plow - Mr. Funk further reviewed with the Commission the need to dispose of the 1979 Henke snow plow to be sold to Genwal Coal Company as approved along with the truck and other equipment approved in the previous Commission Meeting. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the disposal of the Henke snow plow which has an approximate value of \$800 to Genwal Coal Company. Motion was approved by all members present.

(7)

BOARD OF EQUALIZATION OF PERSONAL PROPERTY

Commission Chairman Clyde Thompson opened the meeting at 11:00 a.m. for the Board of Equalization of Personal Property. He inquired if there was anyone present to come before the Board of Equalization. There being no one present or having received any requests, Commission Chairman Clyde Thompson closed the Board of Equalization of Personal Property at 11:05 a.m. and continued with the regular Commission meeting.

(8)

GREEN RIVER CABLE VISION TRANSFER TO CITATION CABLE SYSTEMS -  
ORDINANCE 2-17- 88C

County Attorney Scott Johansen presented to the Commission for their consideration Ordinance #2-17-88C which authorizes the transfer of a non-exclusive cable television franchise from Green River Cable Vision to Citation Cable Systems, Ltd. He informed the Commission, as a follow-up to their previous request, that previous owners were current on all property taxes. He further indicated the owners have not paid the annual franchise taxes of which was set in the amount of \$75.00 annually. He noted that they only have three installations in the County. He questioned the Commission as to whether they would waive the franchise fee. Whereupon, motion was made by Commission Chairman Clyde Thompson to accept Ordinance 2-17-88C authorizing the transfer

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Cable T.V., cont. . . .

of Green River Cablevision to Citation Cable Systems, Ltd., and waive the annual \$75.00 franchise tax for the present and that owed to Emery County. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(9)

B & L CABLE COMMUNICATIONS TV FRANCHISE - ORDINANCE 2-17-88D & 2-17-88E

County Attorney Scott Johansen presented to the Commission for their consideration Ordinance 2-17-88D which is an ordinance granting a Franchise to B&L Cable Communications, Inc., to construct, operate and maintain a cable television in the County of Emery in the area of Cleveland, Elmo and North Emery. He further noted that this Ordinance, similar to those passed previously with the changes having been implemented as requested by the Commission in a previous meeting. The franchise tax is to be based on annual fees. The Ordinance is to be bound and on display in the Emery County Clerk's office. Also, Ordinance #2-17-88E is to be published in the Emery County Progress as required, notifying the public that Ordinance #2-17-88D is available for public examination at the office of the Emery County Clerk. Whereupon, motion was made by Commissioner Duane Collard to adopt Ordinance #2-17-88D granting a franchise to B&L Cable Communications and that said Ordinance be bound and available in the Clerk's office for public inspection and also to approve Ordinance #2-17-88E and publish it advising the public that said Ordinance #2-17-88D is available for inspection in the Emery County Clerk's Office. Motion provided that the rates and fees be determined retroactive to January 1, 1988, and that the Emery County Clerk's Office annually receive those funds and monitor the same. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(10)

ELBERT LOWDERMILK - RELEASE OF BOND

Emery County Zoning Administrator James Fauver informed the Commission that he has received a letter from Elbert Lowdermilk Construction in which they have requested a release of the Reclamation Bond submitted to Emery County. This was done in anticipation of their opening a gravel pit which they never operated. It was their request for a letter from the Commission noting that the Bond is no longer required. Whereupon, motion was made by Commissioner Jerry Mangum to authorize Jim Fauver to inspect the site and make sure that full compliance has been made and sign a letter releasing the Reclamation Bond. Motion was seconded by Commissioner Duane Collard and approved by all members present. Mr. Fauver further informed the Commission that said construction company has also requested an itemized bill for the initial \$500 permit fee paid by them and they would like a refund of any unused portion.

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(11)  
SHERIFF'S BUSINESS

Emery County Sheriff Lamar Guymon came before the Commission and presented to them a credit application for Price Savers as discussed in previous Commission Minutes. It was the consensus of the Commission that it be approved and signed. It is to be used only for those items which cannot be purchased locally at a comparative price.

Sheriff Guymon also informed the Commission that he has received checks in the amount of approximately \$3,400 as drug seizure money. He asked permission to go ahead and purchase radios. It was the consensus of the Commission that he purchase those radios as budgeted and that this money go into the General Fund and is used through the budgeting process to pay for that line item of his budget. Sheriff Guymon further advised the Commission that he has \$15,000 left in his vehicle replacement budget and that he would like to replace the Captain's Suburban. It was the consensus of the Commission that he proceed soliciting bids.

(12)  
JOHN BRAMAL - EMERY COUNTY NURSING HOME

Mr. John Bramal, Administrator of the Emery County Nursing Home, came before the Commission and informed them that they replaced the main boiler in the Nursing Home during the last quarter of 1987. This purchase will go against the profits of 1987 and any surplus will come back to the County.

Mr. Bramal informed the Commission that Bonneville Health Services has requested that he solicit three bids to replace or reupholster chairs in the building. He noted that he had

received three bids: one from Morris Beebe of Cleveland, Reba Fillmore of Lawrence, and Stan Truman of Huntington. He has received references on all of the them except Morris Beebe. He further informed the Commission that he has met with Nursing Home Board on February 16, 1988, in which they have outlined the quality of material. Reba Fillmore was the apparent low bidder in the amount of \$2,247.00; Stan Truman's bid was \$2,367.00; and Morris Beebe's bid was in the amount of \$2,400.00. He noted that since the bid items exceed \$2,000 it must have Commission approval. Mr. Bramal further outlined to the Commission the number of chairs and items needing repair. County Attorney Scott Johansen inquired of Mr. Bramal if Bonneville Health Services would run these items through the operating expense. Mr. Bramal indicated that they may be willing and make an adjustment at the year-end. After discussion, motion was made by Commissioner Jerry Mangum to recognize Reba Fillmore as the apparent low bidder and authorize the issuance of a contract provided that Bonneville Health Services be willing to accept this as an operating expense and that he be authorized to inspect the chairs and equipment to make sure that repair and replacement is needed. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

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Nursing Home, cont. . . .

Mr. Bramal further inquired of the Commission as to the 1988 Budget projections for the County. His concern was whether he could continue to purchase that which was reasonable and practical or to take a much more conservative approach or to see if a minimal income can be provided back to the County. In response, Commissioner Duane Collard and Commissioner Jerry Mangum expressed the consensus of the Commission in that Mr. Bramal take a very conservative approach until the County has more information on the Utah Power and Light Tax protest and further items which could greatly affect the revenues in the County or until at least mid-year.

Mr. Bramal inquired as to the possibilities of reworking the parking lot and driveway of the Nursing Home. Commissioner Jerry Mangum informed Mr. Bramal that he and Rex Funk have already inspected the parking lots and driveway and are working with the Road Department to see what can be done and improvements will be made there.

(13)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 11:53 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.



Meeting reconvened at 3:15 p.m. with all members present. It is noted that the Commission has previously met with Berry Conover, Clyde R. Nichols, Jr., both from the Utah State Tax Commission; Jay Wilson, Director of Motor Vehicle Division and John R. McNight, also of the Motor Vehicle Division; in a meeting to discuss the outcome of the Tax Office located in the Emery County Courthouse.

(14)

#### EMERY COUNTY TAX OFFICE CONTRACT

Upon meeting with the members of the Utah State Tax Commission and the Division of Motor Vehicles in reviewing and coming to an agreement in regards to the Castle Dale office and the Green River office of the Tax Commission, the Commission considered the contract as presented. Motion was made by Commissioner Jerry Mangum to approve the contract upon review of the County Attorney's office and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(15)

#### ATTORNEYS BUSINESS

A) Personnel Action - Teresa Manzanares - County Attorney Scott Johansen presented the Personnel Action form for Teresa Manzanares. He noted that she would like additional time off in order to prepare to take the Court Reporter examination in June. Therefore, it was his request that she be reduced from a permanent part-time position to a part-time position working 16 hours per

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February 17, 1988

Attorney's Business, cont. . . .

week until July 1, 1988, with no change in the hourly rate of pay. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form for Teresa Manzanares of Ferron, Utah, reducing her job classification from a permanent part-time legal secretary at the rate of \$7.57 per hour to a part-time legal secretary at the rate of \$7.57 per hour for a total of 16 hours per week until July 1, 1988. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(16)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:42 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

March 2, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce C. Funk.

A review of the Agenda was made.

COMMISSIONERS MINUTES

The minutes of the February 17, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)

Emery County Auditor, Karen Truman, presented Warrant Edit List #880489 through and including #880611 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for approval:

	Item and Department	Cost	Action
6	Snowblower - Commission	295.00	Approved
7	Two Air Conditioners - Road	9,172.00	Approved
8	Two Flat Rail Road Cars - Road	10,000.00	Approved

9 Three Tele Matrex Phones - Road 480.00 Approved  
10 Lube Module Unit - Road 49,705.25 Approved

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisitions for purchase. Motion was approved by all members present.

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March 2, 1988

(3)

SUPPORT FOR U.S. AND DOMESTIC PRODUCED URANIUM -  
RESOLUTION 3-2-88

Emery County Attorney, Scott Johansen, presented to the Commission Resolution 32-88. This is a Resolution opposing the proposed U.S. Canadian Free Trade Agreement because it provides for the immediate termination of U.S. restrictions of enrichment of foreign uranium for domestic use. Whereupon, motion was made by Commissioner Jerry Mangum to adopt Resolution 3-2-88 as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(4)

FOUR CORNERS MENTAL HEALTH - DRUG & ALCOHOL SCHOOL -  
\$500.00 DONATION

Commission Chairman Clyde Thompson read a letter he had received from Emery Jones of Four Corners Mental Health dated February 25, 1988. Mr. Jones is requesting the County to donate \$500.00 which would help support four or five Emery County High School students in the annual University of Utah School on Alcoholism and other drug dependencies. He noted that those attending the school are chosen from the Emery High Peer Helper Club. The Commission recognized the importance and valuable contribution the education has done with the youth. Therefore, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the request in that Emery County participate in the amount of \$500.00 and that if funds have not been budgeted, that they be taken from the County DUI funds. Motion was approved by all members present.

(5)

EMERY COUNTY BICENTENNIAL COMMISSION - EXCESS FUNDS

Clerk, Bruce Funk advised the Commission that the Emery County Bicentennial Commission this last year purchased savings bonds, ribbons and other items of recognition for participation in the Emery County Bicentennial events from funds collected. At this point, all outstanding indebtedness has been paid, leaving a balance of

\$132.90. It was Mr. Funk's recommendation, and by approval of the Bicentennial Commission Chairman Eugene Johansen, that those funds and the remaining Bicentennial pins be returned to the Emery County Commission for disposition and that all accounts of the Bicentennial Commission be closed out. Whereupon, Commission Chairman Clyde Thompson accepted the items and expressed appreciation to the Bicentennial Commission for the efforts this past year. It was noted that this does not dissolve the Commission nor their involvement in further activities, but only clears any remaining fund balances.

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March 2, 1988

(6)  
CLAWSON TOWN MOBILE HOME TRANSFER

Presented to the Commission for their consideration was the Agreement between Emery County and Clawson Town regarding the ownership of a mobile home belonging to Emery County to be transferred to Clawson Town. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Agreement and the transfer of the ownership of the 1972 United Mobile Home, Vin #1656 and that Commission Chairman Clyde Thompson be authorized to sign any additional paperwork. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(7)  
ATTORNEY'S BUSINESS

Emery County Attorney Scott Johansen informed the Commission of the Personnel Law Update Training to be held in Salt Lake City in May of this year. Total cost of this would be \$295.00 for one day. Mr. Johansen indicated he would attend the meeting if the Commission was desirous that he should. Upon reviewing the agenda for the training and not receiving direction from the Commission, Mr. Johansen set it aside.

(8)  
GRAND COUNTY WEED AND MOSQUITO - AGREEMENT

County Attorney Scott Johansen presented to the Commission for their review and acceptance the Weed and Mosquito Agreement between Emery County and Grand County. This was previously approved by the Emery County Commission. Whereupon, Commission Chairman Clyde Thompson signed the same.

(9)  
STATE TAX COMMISSION OFFICE IN CASTLE DALE AGREEMENT

County Attorney Scott Johansen presented to the Commission the Agreement with the Utah State Tax Commission regarding the transfer of the State Tax Commission Office in the Castle Dale Office into the Assessor's Office and outlining the reimbursement. County Attorney Scott Johansen had reviewed the Agreement and found no problems therein. This being approved in previous Commission Meetings, Commission Chairman Clyde Thompson signed the same.

#### SCOTT TRUMAN - EMERY COUNTY ECONOMIC DEVELOPMENT DIRECTOR

Mr. Scott Truman, Emery County Economic Development Director, submitted to the Commission for their consideration the Agreement between the Emery County Economic Development Council and the Emery County Commission for services for the year 1988. Commissioner Jerry Mangum made a motion to approve and accept the agreement. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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Scott Truman, cont....

Mr. Truman further reviewed with the Commission the following items: The draft environmental statement for the San Rafael area in regards to the BLM Land Management Act; the status on the swinging bridge; the associated BLM road right of way problems; and upcoming meetings with the BLM.

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:08 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:15 p.m. with all members present.

#### ELMO CITY ROAD MAINTENANCE MAP AND ADOPTION

Road Superintendent Rex Funk presented to the Commission the Elmo City Road Maintenance Map outlining those streets and roads which Emery County and Elmo City are respectively responsible for. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard that Emery County adopt and

approve the Elmo City Road Maintenance Map as presented and that Commission Chairman Clyde Thompson be authorized to sign the same. Motion was approved by all members present.

#### MORLAN DRAINAGE PROJECT

Road Superintendent Rex Funk presented to the Commission abstracts of bids received for the Morlan Drainage Project. The following bids were received: Nielsen Construction in the amount of \$28,000; G & O Construction of Green River, Utah, in the amount of \$32,725; and Stilson Construction in the amount of \$37,975, with the engineer's estimate being \$28,550. Wherein, motion was made by Commissioner Duane Collard to recognize Nielsen Construction as the apparent low bidder in the amount of \$28,000 and award the contract to them. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### GENWAL SURPLUS EQUIPMENT PURCHASE

Mr. Andrew King, Manager of Engineering and Marketing from Genwal Coal and Road Superintendent Rex Funk came before the Commission to discuss the previously approved transfer of a Mac truck and snow removal equipment to Genwal. Mr. Funk noted that the price was set at \$6,500 for the equipment and Genwal has offered \$6,300. He further noted that they have requested payment over 60 days with one payment now, the second payment in 30 days and the final one in 60 days. County Attorney Scott Johansen advised those present

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March 2, 1988

Surplus Equipment, cont. ...

that the County cannot finance the private sector. Further discussed was the option of lease purchase. Wherein, motion was made by Commission Chairman Clyde Thompson that Commissioner Jerry Mangum be put in charge to work with the Attorney's office in determining a workable agreement. Wherein, motion was seconded by Commissioner Duane Collard and approved by all members present.

#### ADOPTION OF PROPOSED SCHOOL BOARD BOUNDARIES

Commissioner Duane Collard reviewed with the Commission the need to proceed with the realignment of the School Board District Boundaries. He noted that although the proposed boundaries have some problems, no solution would be perfect. He had

requested that those concerned individuals who addressed the Commission in the Public Hearing to have another proposal to the Commission by this meeting for consideration. He further inquired if the Clerk's office had received comments from other individuals in regards to the proposed boundary changes. There being none, the Clerk's office was asked to make a call on behalf of the Commission to Chris Stucki and see if they had a proposal for the Commission to consider at this time. It was reported that Mrs. Stucki indicated they do not have or plan to propose an alternative.

After further

discussion, motion was made by Commissioner Duane Collard to adopt the new proposed School Board boundaries effective immediately and that efforts be made after the 1990 Census to form an advisory group in order to review those boundaries at that time. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:30 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

#### HELD IN THE EMERY COUNTY COURTHOUSE

March 16, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by County Attorney Scott Johansen.

A review of the Agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the March 2, 1988, Commission Meeting were reviewed. Motion was made by Commissioner Jerry Mangum to approve the minutes as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

## RESCINDING OF PROPOSED SCHOOL BOARD BOUNDARIES

Motion was made by Commission Chairman Clyde Thompson to rescind the Board action of March 2, 1988, in order to allow residents to calm down and to get a new start. Commissioner Duane Collard emphasized that the action taken previously by the Commission was a big improvement and that he hated to go back. He indicated that it appeared that there is a large number of concerned individuals from Castle Dale, but none have been willing to meet with the Commission in order to gain an understanding of the problem. However, it was indicated that people from Castle Dale feel they have been offended in that they were unable to attend the Public Hearing. The Commission should consider the concerns and interests of all the people.

Commissioner Collard requested County Clerk, Bruce Funk to head a committee to come up with other proposals. It was suggested that the committee use the boundaries being proposed at this time as a guideline and address the perceived inequities in those boundaries. The committee should be prepared to present to the Commission alternative proposals on or before January 1, 1989.

Whereupon, based upon the discussion and agreement with the recommendation of Commissioner Collard, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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(3)

## AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant Edit List #880626 through and including #880808 for payment. Motion was made by Commissioner Jerry Mangum to approve for payment all Warrants except the two Warrants for petty cash for the Libraries. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

The following requisitions were presented for consideration:

Req. #	Item and Department	Cost	Action
12	Lateral file - Road	250.00	
Approved			



13	Compressor and motor - Road	2,068.75	
Approved			
14	1988 Dodge Caravan - Sheriff	15,028.00	Approved
15	Computer Printer Stand, Modulars and Catch Basket - Recorder	189.50	
Approved			

Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approved the requisitions for purchase. Motion was approved by all members present.

(4)

#### ATTORNEY'S BUSINESS

A) Comp Time - County Attorney Scott Johansen briefly reviewed with the Commission his research and findings regarding computation of comp time. He reviewed examples. It was the concensus of the Commission that he proceed based upon Commission recommendation and report back at a later time.

B) Genwal Surplus Equipment Purchase Agreement - County Attorney Scott Johansen presented to Commission Chairman Clyde Thompson for his signature the surplus equipment purchase as approved in the Commission meeting of March 2, 1988, item #14. Wherein, Commission Chairman Clyde Thompson signed the same for the purchase of a Mack truck and snow removal equipment by Genwal Coal.

C) 1986 Utah Power and Light Property Tax Protest - County Attorney Scott Johansen advised the Commission that the Utah State Tax Commission and Utah Power and Light have reached an agreement on their tax protest and want Emery County to sign off. It would be an overall reduction in Utah Power and Light's taxes of 3%. It represents 40% of the over \$200,000 which Utah Power and Light paid under protest, to Emery County, or approximately \$90,000. Also effected by the protest will be the Emery County School District and the Castle Valley Special Service District.

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March 16, 1988

Attorney's Business, cont. . . .

It was the consensus of the Commission that they were not in agreement with the action taken by the State Tax Commission, but felt that Emery County was being forced into

accepting the agreement. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the Agreement and action reached between the State Tax Commission and Utah Power and Light in regards to the Tax Protest for the year 1986. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

D) Ownership of Bridge Located on the Huntington Creek East of Castle Dale - County Attorney Scott Johansen indicated that records in regards to the bridge on the Huntington Creek do not indicate that Emery County owns the bridge nor is there an easement. The only easement Emery County has is by use. There is no easement on which the new bridge and road are located. The property belongs to Craig Johansen and he has never deeded it to the County. It was Mr. Johansen's feeling that the County would not be in a position of ownership should they abandon the old bridge structure, but could possibly still be liable. It was indicated that Craig Johansen would absolve the County if the County would post signs at the old structure as he would like to keep the bridge. It was the consensus of the Commission that County Attorney Scott Johansen prepare the necessary documentation to absolve Emery County from any liability on the old bridge structure. The County in the meantime will post road signs warning people not to use the bridge.

(5)

#### BUSINESS LICENSE - GATOR'S RIFLE AND RELOADING

Acting Emery County Zoning Administrator Jim Fauver presented to the Commission for their consideration the business license application from Kenneth G. Gunter. He will be operating a mail order business from his home known as Gator's Rifle and Reloading and other sporting goods to be located south of Huntington. Whereupon, motion was made by Commissioner Jerry Mangum to approve the business license application for Gator's License and Reloading. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)

#### OFFICIAL ZONE MAP OF EMERY COUNTY

Zoning Administrator Jim Fauver presented to the Commission for their consideration the updated official zone map of Emery County. Motion was made by Commissioner Duane Collard to adopt and approve the updated official zone map of Emery County and to authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(7)

#### BOARD OF EQUALIZATION FOR PERSONAL PROPERTY

Commission Chairman Clyde Thompson opened the meeting at 11:00 a.m. for the Board of Equalization for Personal Property. There being no one present or having received no request for adjustment, motion was made by Commissioner Jerry Mangum to close the Board of Equalization. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(8)

#### DIVISION OF WILDLIFE MANAGEMENT REGARDING CONDITION OF RESERVOIRS IN EMERY COUNTY

Mr. Walter Donaldson and Paul Jensen of the Division of Wildlife Resources came before the Emery County Commission to discuss three water reservoirs and their impact on Emery County.

A) Ferron Reservoir - Mr. Donaldson indicated that Ferron Reservoir has major problems of slumping and tilting of the location of the spillway. The State Engineer is very concerned. He noted that Wildlife Resources owns the dam and water rights and they have the use permit with the Forest Service. They have been in contact with the Utah Department of Water Resources who will provide money and engineering to look at the reservoir. He noted that they will be doing core drilling to see if there is a key trench. They will also determine the composition of the interior core of the dam.

Also conducted will be an electrical resistivity test which will check the dam for safety, noting that it lies on a fault. He further indicated that in June they will begin draining the dam to observe the conditions around the outlet and make any repairs. It was further noted that if the problems were severe enough, they may not fill the dam next fall.

Concern was expressed for camping facilities at the location. Mr. Donaldson indicated that those parties have been advised as to what will be taking place. Mr. Donaldson indicated that he was unsure as to how long the dam would be breached, but it could be some time depending on the seriousness of the problems with the dam. He indicated there is very little funding available for major reworking of the dam. Mr. Donaldson indicated the dam may have to be turned over in which case Wildlife Resources would no longer be responsible because of the liability factors. However, he indicated that he would keep the Commission posted as to the results of the testing.

B) Millsite - Mr. Donaldson indicated that with year-round fishing, the pressure on Millsite has been reduced. They have not had complaints from fisherman. They are testing and checking the fish growth. They find that the data is inconsistent and they do not feel confident as to what is taking place within the Reservoir. Therefore, Mr. Paul

Jensen, a Biologist with the Water Resource, will extensively study the reservoir along with others. He may recommend a specie change in order to increase the survival rates.

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Division of Wildlife Resources, cont. . . .

C) Joe's Valley - It was noted that in 1967 when it was opened up for fishing, it was very productive. However, like Millsite, it is not a high production reservoir because of insufficient nutrients and classified as a somewhat sterile lake. Therefore, they are monitoring the "Splake" fish introduced in numbers of approximately 34,000. It was noted that the growth rate has been much higher than with Rainbow Trout. This is done in an effort to stimulate recreation.

The Commission expressed appreciation to Mr. Donaldson and Mr. Jensen in coming before the Commission and explaining the problems and the benefits in the three reservoirs.

(9)  
RECESS COUNTY COMMISSION MEETING AND RECONVENED - COUNTY  
COMMISSIONERS AND  
THE GOVERNING AUTHORITY OF THE CASTLE VALLEY SPECIAL SERVICE  
DISTRICT - RESOLUTIONS 3-16-88A & 3-16-88B

Commission Chairman Clyde Thompson recessed the regular meeting of the Emery County Commission and reconvened the Commissioners as the governing authority of the Castle Valley Special Service District at 11:38 a.m. Those present in behalf of the Castle Valley Special Service District were Director, Darrell Leamaster and Attorney, Mack Bunderson.

Mr. Bunderson indicated that he has completed reviewing the documents with County Attorney Scott Johansen and bond counsel and that all problems have been corrected. He further indicated that one bond would be in the amount of \$145,000 to provide Emery Town with a water treatment facility and an \$108,000 bond to fund airators at the Huntington Sewer Lagoons. It was further noted that the bonds would be sold to the State of Utah through the Community Impact Board at an interest rate for the first bond being 4% payable over 10 years and the \$108,000 bond at a rate of 5% payable over 10 years.

Whereupon Commission Chairman Clyde Thompson read and presented to the Commission Resolution 3-16-88A for Commission consideration. Motion was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum to approve

Resolution 3-16-88A and approve it as the governing authority of the Castle Valley Special Service District, to further recess as the governing authority of the Castle Valley Special Service District and reconvene as the Board of Emery County Commissioners. Motion was approved by all members present.

Presented to the Commission for their consideration was Resolution 3-16-88B. Mr. Mack Bunderson presented to the Commission the need to consider and adopt a Resolution relating to the issuance and sale of \$145,000 General Obligation Water Bond, Series 1988A and \$108,000 General Obligation Sewer Bond, Series 1988B of the Castle Valley Special Service District. Wherein, making certain covenants in connection therewith and other related matters. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve and adopt Resolution 3-16-88B as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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(10)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 12:09 p.m. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1:20 p.m. with all members present, acting as the Board of Emery County Commissioners.

(11)  
ROAD DEPARTMENT BUSINESS

A) Ferron Road Maintenance Agreement Map - Road Superintendent Rex Funk presented the Ferron City Road Maintenance Agreement Map. He noted that it was signed by Ferron City on March 8. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to accept and approve the Ferron Road Maintenance Agreement Map and to sign the same. Motion was approved by all members present.

B) Cottonwood Road - U.S. Forest Service Road Encroachment - Road Superintendent Rex Funk advised the Commission that he has been contacted by Dean Behling of the U.S. Forest Service who is requesting installation of a cattle guard across the Cottonwood Road. This is the road recently completed to Trail Mountain Coal.

Mr. Funk's concern is that a cattle guard placed at the forest boundary would tend to cause a collection of a large number of animals and create a hazard at that point. He further noted that Emery County has control and authorization of the road and recommended that the Commission not allow placing of a structure at the forest boundary even to include a painted cattle guard crossing. He further advised the Commission that before the road project was started, all parties including the Cattleman's Association of the Forest Service, agreed and understood that any cattle guards would be placed above Trail Mountain Coal.

The Commission suggested that Mr. Funk meet with Mr. John Niebergall of the Forest Service and discuss this further with County Attorney Scott Johansen and advise the Commission on the progress.

(12)

#### FOUR CORNERS MENTAL HEALTH - DUI REHABILITATION FUND

Mr. Jim Whear, Director of the Four Corners Mental Health appeared before the Commission to discuss those services provided for DUI offenders. At the Commission's request, he has gone back and checked the law and submitted to the Commission a draft of the recent legislation, Senate Bill #121 which recently passed the 1988 legislature. This outlines that collected DUI funds should be used by a certified and licensed agency.

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March 16, 1988

DUI Fund, cont. . . .

Commissioner Collard questioned Mr. Whear as to what services they provide and their success rate. It was suggested to the Commission the possibility of reimbursing present Court staff who have access to Court records for the initial notification of the Four Corners Mental Health to those persons having been assigned for DUI rehabilitation training. The reimbursement for that person would come out of the existing DUI funds from previous years.

It was the consensus of the Commission that Mr. Whear meet with the Emery County Clerk and see if an agreement or understanding can be worked out. They are also to discuss a means of reimbursing Emery County for those services.

(13)

#### PERSONNEL ITEMS

A) Road Department - Gregory L. Daugherty - Emery County Personnel Technician Pat Snowball presented the Personnel Action Form for Gregory L. Daugherty to be hired as a Diesel Mechanic at a Grade 11, Step 1 or a salary of \$1,638.00 per month to replace

Austin Lund. Motion was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson to approve the hiring of Gregory L. Daugherty at a Grade 11, Step 1 or a salary of \$1,638.00 per month effective March 21, 1988. Motion was approved by all members present.

B) Road Department - Austin Lund Reclassification - Also presented to the Commission was the Personnel Action Form reclassifying Austin Lund from that of a Mechanic at a Grade 11, Step 6 or a salary of \$1,938.00 per month to a Lead Mechanic and Crew Leader at a Grade 13, Step 5 or a salary of \$2,091.00 per month effective March 16, 1988. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action and reclassification of Austin Lund to that of a Lead Mechanic and Crew Leader at a Grade 13, Step 5 or a salary of \$2,091.00 per month effective March 16, 1988. Motion was approved by all members present.

C) Road Department - Bruce Berensen Reclassification - Presented to the Commission was the Personnel Action Form for Bruce Berensen to be reclassified from a Parts Runner at a Grade 5, Step 9 or a salary of \$1,543.00 per month to an Equipment Operator 1 at a Grade 10, Step 7 or a salary of \$10.94 per hour or \$1,897.00 per month. Motion was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard to approve the Personnel Action Form reclassifying Bruce Berensen to that of an Equipment Operator 1 at a Grade 10, Step 7 or a salary of \$1,897.00 per month effective March 16, 1988. Motion was approved by all members present.

D) Road Department - Six Month Probationary Increases - The following three Personnel Action Forms were submitted to the Commission for consideration: Steve Kemple, Keith Sorensen, and Ray Petersen who have been on a probationary status for six months or more. It was requested that they have a merit change. Whereupon, it was the consensus of the Commission that merit increases have not been allowed in the past and therefore, motion was made by Commission Chairman Clyde Thompson to deny the reclassification of Steve Kemple, Keith Sorensen and Ray Petersen. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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Personnel Items, cont. . . .

E) Sheriff's Department - Gayle Earl Jensen - Commissioner Duane Collard presented to the Commission for consideration the Personnel Action Form for Gayle Earl Jensen of Castle Dale who has been a temporary Jailer in the Sheriff's Department. Sheriff Lamar Guymon has requested that he be put on a permanent status at a Grade 9, Step 1 or a salary of \$1,531.64 per month. Whereupon, motion was made by Commissioner Duane

Collard, seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for Gayle Earl Jensen changing his classification to permanent status at a Grade 9, Step 1 or a salary of \$1,531.64 per month. Motion was approved by all members present.

F) Sheriff's Department - Robert Earl Blackburn - Commissioner Collard presented to the Commission the Personnel Action Form for Robert Earl Blackburn of Ferron, Utah. Emery County Sheriff Lamar Guymon has requested that Mr. Blackburn be hired as a temporary Jailer at the rate of \$8.84 per hour. Mr. Blackburn would replace Dick Duncan who recently resigned from the Sheriff's Department. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form and hire Robert Earl Blackburn on a temporary status as a Jailer at \$8.84 per hour. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(14)

#### FILING FEE FOR LOCAL SCHOOL CANDIDATES

Emery County Clerk Bruce Funk reviewed with the Commission discussions he has recently had with Vernon Carr regarding the filing fee for local School Board candidates. He indicated that he has received a letter from Mr. Carr dated March 11, 1988, wherein the County has the option of setting the filing fee for local school candidates. The fees can either be \$50.00 or 1/8 of 1% of the total salary for the full term, but not less than \$5.00 or \$25.00 for a precinct office.

Mr. Funk advised the Commission that he has been in contact with County Attorney Scott Johansen and reviewed the matter. It was decided that it appeared it was a precinct office being made up of districts and therefore, \$25.00 appeared to be a reasonable and fair fee. Whereupon, motion was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard to set the fee for local school candidate at \$25.00 as a precinct office. Motion was approved by all members present.

(15)

#### MEETING OF CONCERNED CITIZENS - SCHOOL BOARD REALIGNMENT

A number of citizens appeared before the Commission as follows: Lois Patterson, Chris Stucki, Marianne Judi, Terry Lofthouse, Eileen Lofthouse, Elaine Beard, Ross Huntington, John Jorgensen, Kathleen Clements, Mark H. Tanner, Allan Patterson, Thomas Smith, Sharon Smith, Pat Sanders, Margaret Fielding, Katherine Monfredi, Mike Monfredi, Keith Lake, William Brisbie, Robert Litster, Dennis Jones, Julie Johansen, Darla Cox, Kandes Thomas, Charles Thomas, Laurel Weaver, and Vaughn Indi. These residents were from Castle Dale.



School Board Boundaries, cont. . . .

Mark Tanner approached the Commission and advised them that he has been hired as legal counsel for various concerned citizens who oppose the realignment. He noted that they have selected two people to give statements. It was further requested that the Commission rescind their action on March 2, 1988, for this election and establish a committee and look deeper into the problems. The citizens did not feel a realignment was necessary at this time.

Lois Patterson, in speaking in behalf of the concerned citizens present, indicated that they in no way wanted to deprive Green River of a School Board Member, but felt it must be legal. They were concerned about other proposals. It appeared from meetings with other elected officials that the matter would die and would not have been passed on March 2, 1988, by the Commission. They had not understood the direction given at the public hearing and that the realignment was nothing more than jerimandering of the boundaries. She stated the numbers used were grossly in error. As such, Castle Dale does not have much of a chance to elect a School Board Member. Mrs. Patterson indicated that she had approximately 275 names on petitions.

A letter from Castle Dale City was read in opposition to the boundary realignment. It was noted also was the Emery County PTA was not supporting the proposal. Also read was a letter from Ross Huntington. Mr. John Jorgensen addressed the Commission in opposition to the Commission's action and asked that they rescind their action.

Upon conclusion of those remarks, Commission Chairman Clyde Thompson informed those present that there appeared to have been some miscommunication at the Public Hearing on March 2 with those individuals at the hearing. The concerned individuals were requested to prepare other proposals to present to the Commission, which they did not. However, in lite of the confusion and misunderstanding, the Emery County Commission earlier in the meeting today had taken action to rescind their action of March 2, 1988. Commission Chairman Clyde Thompson asked the County Clerk, Bruce Funk to read to those in attendance the action taken earlier in the meeting.

There being no other comments, the Commission meeting continued with other matters.

(16)

#### LEASE AGREEMENTS ON FIRE TRUCKS

Emery County Attorney Scott Johansen informed the Commission that he is reviewing the lease agreements on fire trucks and would further advise them with recommendations.

(16)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 4:30 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

April 6, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by County Attorney, Scott Johansen.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the March 16, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)  
AUDITOR'S BUSINESS

A) Warrants and Requisitions - Emery County Auditor, Karen Truman, presented Warrant Edit List #880849 through and including #881041 for payment. Motion was made by Commissioner Duane Collard to approve the Warrants for payment with the exception to hold Warrant #880956 to Orangeville City in regards to connection of the sewer line of the dog pound, and to deny Warrant #'s 880912 to J2 Outfitters and #880868 to Caps and Tees for coveralls and lettering on the same for the Assessor's office. (Action was rescinded on Warrant #'s 880912 and 880868 and approval was given later in the meeting.) Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

The following requisitions were presented to the Commission for their consideration:

Req. #	Item and Department	Cost	Action
16	Four tables with folding legs -		

Approved	Courthouse	276.00
17	Carpet protector and chair - Attorney	405.00
Approved		

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April 6, 1988

Auditor's Business, cont. . . .

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the two requisitions for purchase. Motion was approved by all members present.

B) Proposed Time Accounting Schedule - Emery County Auditor, Karen Truman, requested of the Commission permission to implement a time accounting schedule on a six-month trial basis which would be reconsidered after that time. Whereupon, motion was made by Commissioner Jerry Mangum to authorize the Emery County Auditor's office to implement on a trial basis a six-month employee time accounting system. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)  
AMBULANCE RATE INCREASE

Commissioner Duane Collard discussed with the Commission a request of Emery County Sheriff Lamar Guymon to increase the rates for ambulance service. He noted that present rates are far below the approved Medicaid and Medicare rates. At the present time, the rates vary depending on the area. It was his feeling that all rates should be the same throughout the County. It was his recommendation that the basic life support rate be \$120.00 per call and that mileage be at the rate of \$4.00 per mile. These rates would be the same as Carbon County.

Whereupon, motion was made by Commissioner Duane Collard to approve the proposed ambulance rate increase for basic life support calls to \$120.00 and mileage at the rate of \$4.00 per mile. Motion was further made that those individuals who have no insurance or who lack necessary funds, be handled by the Commission on an individual basis. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(4)

#### RALPH HORNE - UTAH STATE UNIVERSITY EXTENSION - ANNUAL VISIT

Mr. Ralph Horne, together with Emery County Extension Agents Dennis Worwood and Elaine Hatch came before the Commission as part of their annual visit. Mr. Horne discussed with the Commission the history of the organization of the Extension program. He further reviewed with the Commission the main areas of emphasis for this year. In an effort to maintain the present level of service despite reduced funds, Mr. Horne discussed user fees and the possibility of clustering in which Carbon and Emery Counties would share expertise. He further noted that Elaine Hatch will be going to full-time employment.

After further discussion, the Commission expressed appreciation to Dennis and Elaine as the local representatives. The Commission noted that the public feels very comfortable in working with them. Mr. Horn also expressed appreciation to the local representatives and appreciation to the Commission for their support of the Extension Service and programs.

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(5)

#### EMERY COUNTY WATER CONSERVANCY DISTRICT APPOINTMENTS

Commission Chairman Clyde Thompson informed the Commission that the terms of office for Clyde Conover of Ferron, Utah, and Eugene Johansen of Castle Dale, Utah, as Board Members of the Emery County Water Conservancy District, have expired. He further noted that both gentlemen have agreed to continue serving. Whereupon, he opened the meeting for suggestions of other possible names. There were no other names submitted. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve Clyde Conover and Eugene Johansen for another three-year term on the Emery County Water Conservancy District Board. Motion was approved by all members present. The Clerk's office was directed to send notice to Mr. Conover and Mr. Johansen of their reappointments.

(6)

#### CASTLE COUNTRY TRAVEL COUNCIL BOARD APPOINTMENT

Also discussed with the Commission was the need to appoint a Green River representative on the Castle Country Travel Council. It was noted that Max Smith has requested that he be replaced. It was recommended that Blaine

Luke be appointed to fill that position. Mr. Luke has agreed to do so. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the appointment of Blaine Luke as the Green River representative on the Castle Country Travel Council. Motion was approved by all members present. The Clerk's office was directed to send notice to Mr. Luke of his appointment.

(7)

#### ASSESSOR'S BUSINESS

A) Repair of 1982 Buick - Emery County Assessor James Fauver discussed with the Commission the 1982 Buick assigned to the Assessor's Office. He noted that the Commission previously placed a hold on disposition of the vehicle. Tracy's Chevron has continued to work on the vehicle and it is now fixed. The total bill is \$1,405.38. He further advised the Commission that the blue book value is \$1,925.00 with a high value of \$2,625.00. Mr. Fauver inquired as to disposition of the vehicle.

Whereupon, motion was made by Commission Chairman Clyde Thompson to pay the repair costs of \$1,405.38 to Tracy's Chevron for repairs and that final use and disposition be determined later. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Trail Canyon City - Mr. Fauver further discussed with the Commission a letter he received from the Division of Oil, Gas and Mining requesting information on the Trail Canyon City proposal. They have requested an answer from the Commission in regards to building recreational facilities in the area.

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Trail Canyon City, cont. . . .

Mr. Fauver advised the Commission that he has responded to that portion of the letter. He advised them that they can proceed except in regards to exterior buildings in which they would have to provide additional information and obtain permits from him. The Division of Oil, Gas and Mining further requested an update on the petition from the residents of Trail Canyon to incorporate as a town.

Wherein, the Commission reviewed the concerns of the original proposal. Noted amongst those were water hazards, safety hazards and that other agencies feel it would not be in the best interest. Upon the recommendation of County Attorney Scott Johansen,

motion was made by Commissioner Jerry Mangum that the incorporation request from the residents be brought back before the Commission at a later date. The Emery County Commission will take formal action at that time in regards to incorporation. Motion was further made that the Attorney's office prepare a letter for Commission signature advising those interested parties of the meeting date and time. Whereupon, Commissioner Duane Collard agreed to second the motion, provided that those residents not consider the possibility of a subdivision. Whereupon, motion was approved by all members present.

(8)

#### DELINQUENT TAX CONSIDERATIONS

Emery County Treasurer Elaine Wilson discussed with the Commission the her concern with a number of tax payers whose names and property appear on the delinquent tax roles. These individuals are subject to having their property sold in the May Tax Sale. It was further noted that many of them have been making a continual effort to get caught up. The present system mandates that the current taxes be paid before any is applied to the years past.

Commissioner Duane Collard suggested that Commissioner Jerry Mangum, review those names that appear on the list and make any recommendations to the Commission. Commissioner Mangum agreed and seconded the motion. It was further recommended that each case would have to be considered by the Commission on an individual basis. Motion was approved by all members present.

(9)

#### RSVP DAY PROCLAMATION

Commissioner Duane Collard read the following sample proclamation to those in attendance:

Whereas, more and more senior Americans are fulfilling their retirement years by helping others as community volunteers; and

Whereas, nearly 400,000 of these active men and women, including 236 volunteers, age sixty and older, in Emery County, answer the needs of their neighbors through the Retired Senior Volunteer Program (RSVP); and

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RSVP Day, cont. . . .

Whereas, RSVP volunteers, matching their talents with non-profit projects, donate 30,000 hours of their time annually in Emery County. RSVP is sponsored by the Emery County Commission and ACTION, the Federal Domestic Volunteer Agency; and

Whereas, the Emery County Commission recognized the contributions of RSVP volunteers to Emery County and to the nation;

Now, therefore, the Emery County Commission joins the National Association of RSVP Directors and others nation-wide by hereby proclaiming the day of April 21, 1988, as RSVP DAY in Emery County, and we urge all citizens to join RSVP volunteers in celebrating the spirit of our country's tradition of helping others.

Whereupon, motion was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum to adopt the proclamation and proclaim April 21, 1988, as RSVP Day in Emery County. Motion was approved by all members present.

(10)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commission Chairman Clyde Thompson to adjourn for lunch at 11:45 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:00 p.m. with all members present.

(11)

#### ROAD DEPARTMENT BUSINESS

A) Notice of Public Hearing on Intent to Vacate the Rilda Canyon Road - Motion was made by Commission Chairman Clyde Thompson to ratify the notice of public hearing regarding the vacating of the Rilda Canyon Road with said public hearing to be held on April 20, 1988, at 11:00 a.m. Said notice was posted March 16, 1988, and was advertised in the Emery County Progress. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Out of State Travel - Road Superintendent Rex Funk requested that he and Mike Jensen receive approval from the Commission to travel to Jerome, Idaho, to investigate a dust inhibitor for use on roads in Emery County. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the out of state travel and vehicle for Rex Funk and Mike Jensen to travel to Jerome, Idaho. Motion was approved by all members present.

C) Equipment Purchases - Road Superintendent Rex Funk reviewed with the Commission his understanding of the sale of two Galion Graders as previously approved and sold in 1987. He noted it was his understanding that said moneys received from the sale would be carried over for expenditure and purchase of a bed for a truck this year.

Road Department, cont. . . .

He further advised the Commission that H.R. Young Transport Company has ten flat bed trailers at a cost of \$3,500 each. He noted that the Road Department needs a highboy flatbed and would like to be able to proceed with purchasing one if they are in satisfactory condition.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the purchase of a bed for the truck from the proceeds received from the sale of the Galion Graders and that Rex Funk also be authorized to purchase one of the ten-foot flat bed highboy trailers at a cost of \$3,500. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(12)

PERSONNEL ITEMS

Emery County Personnel Technician Pat Snowball presented the following Personnel Action forms to the Commission for consideration and approval:

A) Tom Bell - Campground Caretaker - Tom Bell to be hired as a Campground Caretaker at the rate of \$6.00 per hour as a temporary seasonal employee with an effective date of April 5, 1988. Motion was made by Commissioner Jerry Mangum to approve the hire of Tom Bell as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Deanna Van Zyverden - RSVP Coordinator - Deanna Van Zyverden to be hired as a RSVP Coordinator at a rate of \$450.00 per month on a permanent part-time status, working 20 hours per week. It was further noted that Deanna Van Zyverden is not a specific employee of Emery County; however, approval through the Commission for her hire has been requested. It was also noted that Bill Howell of the Southeastern Utah Association of Governments has approved the hiring. Motion was made by Commissioner Jerry Mangum to approve the hire of Deanna Van Zyverden as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

C) Charles Watterson - Road Department Operator II - Charles Watterson of Green River, Utah, to work in the Road Department as an Equipment Operator II at a Grade 11, Step 1, or a salary of \$1,638.00 per month, effective April 4, 1988. Road Superintendent Rex Funk requested of the Commission consideration to waive the six-month probationary period. He noted that Mr. Watterson has worked for the Emery County Road Department for four months as a temporary seasonal employee and has proven to



be very satisfactory. Such a waiver would benefit him in obtaining financing for a home purchased in Emery County. Motion was made by Commissioner Jerry Mangum to approve the hire of Charles Watterson as presented and to not waive the six month probationary period. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(13)  
BOOKMOBILE

The following individuals came before the Commission to discuss the future of the Bookmobile service in Emery County: James Nelson, Anne Curtis, Jean Truman, Elizabeth Hansen, Barbara Lemons, Alan Lemons, Evelyn Roundy, Carol A. Riddle, Lorraine Frandsen, Rita Humphrey, Barbara Oman, Madelin Thompson, Genice Lulu, Sharon Jensen, Jacque Radcliff and Bonnie Keele. Their understanding is that the Emery County Commission is going to terminate the Bookmobile service in the County.

Commissioner Duane Collard began by informing those present that the Emery County School Board has made a decision that effects the outcome of the Bookmobile. Because the Bookmobile primarily serves the elementary schools in the County, the School Board will financially assist in the support of the Bookmobile in the amount of \$5,000 per year. This means the service will continue in the County.

Mr. Collard further gave background as to why the Bookmobile service was even being considered. He noted that originally we had one central Library and Bookmobile service in the County. In the interim, County Libraries have been built in nearly all the communities. After completion of the libraries, the Bookmobile has continued to serve all communities and has become an extension of the school libraries. Therefore, the School Board will support it in the amount of \$5000, leaving the County with a balance of \$11,000.

Mr. Collard solicited comments from the group as to whether the Bookmobile is more important than the branch libraries and questioned if we could afford both. He noted that the Commission is always being requested to cut taxes. He further noted that by law the Commission is required to provide certain services and libraries are not one of those essential services.

Bonnie Keele of Ferron, Utah, inquired of the Commission that if the School District is to contribute the \$5,000, would the County Commission cut the library budget. Commissioner Duane Collard informed them that the mill would remain the same and the

money would be used to purchase items as budgeted. Mrs. Keele further questioned the purchase practices of the library and whether other book stores were given the same and fair opportunities to provide books. Commissioner Collard indicated that this might be better discussed with the Library Board who reviews all of the purchasing practices of the librarians.

Carol Riddle, of Emery, Utah, indicated that the Bookmobile does not come to Emery and the Emery Branch Library is not conveniently open in the evenings. Commissioner Collard indicated that they have reviewed the library hours and that such a request for extended hours be referred to the Library Board. Commission Chairman Clyde Thompson emphasized that these concerns should be discussed with the Library Board and they should be willing to work with the people to resolve all issues and concerns. Commissioner Collard re-emphasized that the Commission's concern is for the future in being able to maintain and support the present system.

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Bookmobile, cont. . . .

Genice Lulu asked if the \$5,000 from the School Board would be an on-going expenditure by the School Board. Commissioner Collard responded in that it was his understanding that it would be ongoing and that discontinuing the Bookmobile would not receive further consideration unless the School Board ceases to participate.

James Nelson from Ferron, Utah, commended the Commission on the wise decision, noting the great value of the Bookmobile for the dollars spent. He further emphasized that he felt that as funds become tighter and tighter that the Bookmobile becomes more and more important. By order they are capable of bringing in a greater number and variety of books.

Jacque Radcliff, Librarian Assistant at Ferron, presented to the Commission from the fourth grade class a letter requesting continuation of the Bookmobile. Elizabeth Hansen of Huntington also presented numerous letters from students in the elementary schools.

Jean Truman of Ferron, informed the Commission that she felt that the Bookmobile shouldn't be a school problem. Her concern is that it would take funding out of the school system. She emphasized that community libraries are essential and that the Bookmobile is also essential.

The Commission further emphasized to those in attendance that they should make efforts through the school system to make sure that books borrowed from the Bookmobile are returned. This could add future additional costs.

The Commission expressed appreciation for the public input. Much valuable information has been provided, noting that both the libraries and the Bookmobile service in the communities are very important. They expressed appreciation to the people for getting involved in an effort to improve the community.

(14)

#### EXECUTIVE SESSION

Emery County Commission met in Executive Session at 3:30 p.m. to discuss personnel items. Those present were County Attorney Scott Johansen, Commission Chairman Clyde Thompson, Commissioner Jerry Mangum, Commissioner Duane Collard, County Clerk Bruce Funk, County Assessor James Fauver and Road Superintendent Rex Funk.

The regular meeting of the Emery County Commissioners reconvened at 3:56 p.m. with all members present.

(15)

#### BRET MILLS CONTRACT

Commissioner Duane Collard brought the Commission up to date in regards to Bret Mills. He noted that Mr. Mills, since May 1, 1987, has been paid \$92.92 more per month than he was entitled. This is because the Auditor's office assumed that he was under the Sheriff's pay plan which includes extra pay for having to

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Bret Mills, cont. . . .

work holidays. Mr. Mills does not qualify to be included under the law enforcement 207(k) pay plan. Mr. Mills was on a 40 hour a week plan and received comp time at 1-1/2 hours for every hour worked over 40 hours a week. He was not scheduled to work holidays as the Sheriff's Office is. His work week was a regular Monday through Friday schedule with overtime over 40 hours a week.

Mr. Mills' comp bank as of March 6, 1988, is 361.75 hours. The Auditor has elected to reduce his comp bank by the amount of the over-payment instead of taking steps to recoup the over payment. At the rate of \$12.12 an hour, his correct rate of pay, that would reduce his comp bank by 84.25 hours, leaving a balance of 277.50 hours.

The County will pay Mr. Mills cash for all hours over 240, or 37.5 hours at \$12.12 an hour for a total of \$454.50. This will bring the County within compliance with FLSA. The remaining 240 hours can then be reduced by the number of hours each week that he works less than 50, because the County officially pays him for 50 hours each week. Any

week that he works less than 40 hours, we should not reduce any hours from his comp bank. This is because under FLSA, he must work some weeks less than 40 hours to comply with the Belo plan.

Under the new contract, Mr. Mills' salary is \$2,263 a month. His current salary is \$2,163 when adjusted for the over payment he has been receiving, with \$100 being paid out of the Civil Defense budget. Wherein he would not be able to earn any comp time and his present comp bank would be reduced to zero.

County Attorney Scott Johansen has prepared the necessary contract and all the parties have reviewed and revised and are now in agreement. Whereupon, motion was made by Commissioner Jerry Mangum that Commissioner Duane Collard pursue the contract with Bret Mills as agreed upon. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(16)

#### DATA PROCESSING

Commissioner Duane Collard reviewed with the Commission his recent trip to Logan, Utah, with members of the Sheriff's Department, Steve Stream, Cathy Cannon, Bret Mills, and Alice Ann Snyder of the Emery County Data Processing. They looked at the programs in place there and were very impressed. He further noted that he is also reviewing proposals from IBM and PMS and will be looking at demonstrations which they will provide. He will then compare all programs. He noted that they are all very good and he would make a recommendation later to the Commission.

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(17)

#### ASSESSOR'S CLAIM FOR COVERALLS - APPROVAL

After further discussion, motion was made by Commissioner Duane Collard to approve Warrant #'s 880912 and 880868 for coveralls and lettering for the Emery County Assessor's Office. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(18)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 4:24 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

## HELD IN THE EMERY COUNTY COURTHOUSE

April 20, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m. He welcomed Dixie Thompson, candidate for 4-year County Commissioner, to the meeting.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the Agenda was made.

### (1) COMMISSIONERS MINUTES

The minutes of the April 6, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

### (2) PUBLIC HEARING AMENDING THE 1988 EMERY COUNTY BUDGETS - RESOLUTION 4-20-88A

Emery County Attorney, Scott Johansen, presented to the Commission proposed Resolution 4-20-88A which opens the 1988 Emery County Budgets and makes necessary adjustments, adding in monies from the prior years which were appropriated for projects which were not able to be closed out. Said funds are to be transferred in the Emery County General Fund and budgets as proposed. Commission Chairman Clyde Thompson opened the meeting for public comment. There was no one present to express any comments in regards to the proposed budget adjustments. Whereupon, motion was made by Commissioner Duane Collard to adopt and approve Resolution 4-20-88A. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

### (3) ADOPTING PROPOSED FEDERAL REVENUE SHARING BUDGET - RESOLUTION 4-20-88B

Emery County Attorney Scott Johansen presented to the Commission for their consideration the proposed Federal Revenue Sharing Budget for the year 1988. The proposed expenditures for 1988 include Emery County Television - \$70,000; Emery County Road Department - \$49,686 and with the 1987 budget revenue carry overs, this makes a total expenditure of \$323,078. Commission Chairman Clyde Thompson opened the meeting for public comment. There was no one present to express any comments. Whereupon, motion was made by Commissioner Duane Collard

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Resolution 4-20-88B, cont. . . .

to accept and adopt Resolution 4-20-88B adopting the proposed Federal Revenue Sharing Budget for the year 1988 with total expenditures of \$323,078. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(4)

PUBLIC HEALTH DISTRICT

Commission Chairman Clyde Thompson reviewed with the Commission his meetings and discussions about the Southeastern Utah Health District which consists of Carbon, Emery, Grand and San Juan Counties. Commissioner Thompson indicated that he has requested reconsideration be given to the formula used in financing the Health District. He noted that Carbon and San Juan Counties are opposed to any change and Grand County is uncertain. Therefore, it appeared that the formula would remain the same. He further noted that Commissioner Cal Black of San Juan County would like to meet with the Emery County Commission and address any concerns.

(5)

AUDITOR'S BUSINESS

Emery County Deputy Auditor Charlane Luke presented Warrant Edit List #881043 through and including #881220 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Warrants for payment with the exception of Warrant #881156 to cover the costs of the court-ordered mental evaluation to allow County Attorney Scott Johansen time to further review this item; and also to hold Warrant #881158 to Utah Water Users Association annual fees until further evaluation can be made. Motion was approved by all members present.

The following requisitions were presented to the Commission for their consideration:

Req. #	Item and Department	Cost	Action
18	FM Translator, Ant. & Coax Cable -		

Approved	Communications/Sheriff	3,675.00
19	VHF TV Amp, Channel Converter, Ant. and Coax Cable - Communications/Sheriff	3,025.00
Approved		
20	FM Translator, Coax Cable - Communications/Sheriff	3,465.00
Approved		
21	Dump Bed - Road	8,800.00
Approved		
22	Bench Grinder - Road	245.50
Approved		
23	Belt Feeder - Road	28,700.00
Approved		
24	Video Recorder & TV - Sheriff	598.00
Approved		

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Auditor's Business, cont. . . .

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisitions for purchase. Motion was approved by all members present.

(6)  
FM STATIONS

Commissioner Duane Collard advised the Commission that two Price City FM stations are interested in locating translators on the Horn Mountain County installation site so as to reach the residents of Emery County. He noted that both stations have agreed to pay \$1,000.00 each per year for the next three years to cover the costs of the equipment purchased by Emery County. This was approved in the requisitions presented earlier.

(7)

## DELINQUENT PROPERTY TAXES

A) Emery County Treasurer Elaine Wilson presented to the Commission the following properties which are delinquent. The properties are to be included in the May Tax Sale unless the Commission considers giving them an extension of time: 1) Kenneth and Sheree Balser in the amount of \$2,053.00. She noted that they have been unable to sale the properties or to have sufficient rent revenues allowing them to pay the back property taxes. She indicated that they are willing to borrow \$2,000 and set up monthly payments of \$175.00 towards the balance of taxes with the intent of having them paid before next year. 2) Cody and Jacquie Taylor, noting that it appears from the records that the property has been doubly assessed. County Attorney Scott Johansen confirmed that there are property tax problems in relation to the property.

Mrs. Wilson requested that the County Commission take action in regards to both matters. It was the consensus of the Commission that they need to further review both matters before taking any action.

(8)

## BOARD OF EQUALIZATION FOR PERSONAL PROPERTY

Commission Chairman Clyde Thompson opened the meeting to the Board of Equalization for Personal Property at 10:55 a.m. Commissioner Thompson inquired if there was anyone present or if any comments had been received in regards to personal property. There were none, therefore, the Commission resumed the regular Commission Meeting.

(9)

## PUBLIC HEARING REGARDING VACATING THE RILDA CANYON ROAD

Commission Chairman Clyde Thompson opened the Public Hearing at 11:00 a.m. for consideration of action regarding vacating the Rilda Canyon Road. The following people were in attendance: Joane Pappas White, Attorney for North

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April 20, 1988

Rilda Canyon Road, cont. . . .

Emery Water Users Association; Menco Copinga, NEWUA; Willis K. Wilson, (NEWUA); LaRue Lofley, NEWUA; Jack Stoyanoff, NEWUA; Varden Willson, Huntington- Cleveland Irrigation; Leland A. Matheson, U. S. Forest Service; and Brent B. Barney, U. S. Forest Service.

Joane Pappas White, spokesperson and legal counsel for the North Emery Water Users Association addressed the Commission. She indicated the North Emery Water Users



Association has their main springs located in Rilda Canyon. The vacation of the road would be very detrimental in maintenance of those springs and approximately three miles of pipe adjacent to the existing road. She noted that the springs require constant maintenance and testing.

Further presented to the Commission was a petition containing approximately 330 signatures requesting that the Commission not vacate the Rilda Canyon Road. Mrs. White further emphasized the North Emery Water Users Association serves a great number of residents in the north end of Emery County. She noted that from earlier County road maps and receipt of Class B road funds, Emery County recognized the road as a County road. Therefore, the County is responsible for maintenance and upkeep of the road and bridge.

Road Superintendent Rex Funk noted that no Class B road funds have been received for that road. He has talked to the previous Road Department administrators, particularly Vernon Leamaster, in regards to the bridge. Mr. Leamaster could not recall the County ever building the structure. Documentation was not found to verify that it is a County road nor has the County ever considered it to be a County road. Many times the County is given ownership because no other entity was politically identified. It was noted that the bridge wouldn't ever be considered a desirable bridge for Emery County to own because of its construction. In researching our records back to 1977, all indications are that it was a mine road. It would be unwise for Emery County to accept the bridge and the resulting tort liability. The road and bridge should be designated as a low-use and low-profile bridge. Should Emery County vacate the road, this would not limit access by North Emery Water Users Association.

Joane Pappas White indicated that it appears from the statutes, wherein it provides access to a national forest, that it does fall under the guidelines of a County or public road.

County Attorney Scott Johansen indicated that Emery County has never assumed ownership or responsibility for the road or bridge. He indicated that the purpose in considering vacating is to go through a legal process in treating it overly cautious.

Mr. Brent Barney of the U.S. Forest Service indicated that the present road is a Class D type on the forest maps. These maps date to 1971. The impression was that the road was provided by the County and is a public road. Mr. Barney noted the road needs to be maintained and feels that it should be a County

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Rilda Canyon Road, cont. . . .

road. In Mr. Barney's opinion, it appears that responsibility and jurisdiction remains with the County. He further noted that the forest service does not have a general maintenance agreement with the County in regards to maintaining or accepting the road.

Joane Pappas White further referred County Attorney Scott Johansen to section 27-12-22 of the Utah Code Annotated.

It was further emphasized by County Attorney Scott Johansen and the Commission that vacating the road would have to be in the best interests of the electorate. Replacement of the bridge, in accordance with County specifications would be approximately \$150,000 minimal. However, if the North Emery Water Users Association were to assume responsibility over the bridge or some other agency, a structure could be installed much less expensively. He further emphasized that the bridge and road have little use and that the Commission was only looking at the best interests of the public. It was again emphasized that Emery County understands the bridge belongs to previous mining companies.

Commissioner Collard inquired if North Emery Water Users Association did not have an agreement in their possession regarding the maintenance of the bridge by themselves and others. Mrs. White responded that said agreement was a mutual cooperation agreement in which the mining company and NEWUA would bear and split the costs of replanking the deck on the bridge.

Commissioner Collard inquired as to the possibility of using the crossing at Mill Fork and obtaining permission from property owners to access the springs, etc., from that direction. Also discussed was the possibility of making a graded low water entry through the river bed adjacent to the existing bridge, again needing to obtain approval from property owners.

Mr. Varden Willson read a letter dated April 19, 1988, from the Huntington- Cleveland Irrigation Company opposing the vacating of the Rilda Canyon Road.

The Commission was further asked to consider fire needs in the area. It was noted that the Division of Oil, Gas and Mining will be doing mine reclamation projects in the area and as a result will be moving heavy equipment across the bridge structure.

Commission Chairman Clyde Thompson indicated that all parties need to do more investigating and that no decision would be made at this time. Mr. Brent Barney of the U.S. Forest Service suggested that other routes or bypasses be considered and also look at a different standard of bridge construction. He also offered that the Forest Service would assist in engineering and site survey on a new bridge in order to maintain access to the forest boundaries on that road.

Commissioner Duane Collard inquired if there were any participating funds. Road Superintendent Rex Funk indicated that there were none. Also in question was the eligibility for impact funds.

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Rilda Canyon Road, cont. . . .

Joane Pappas White requested on behalf of North Emery Water Users Association that this item be tabled to allow time to explore alternative proposals. She requested premission of the Commission to withdraw the petitions in order to make copies of them and they would be resubmitted at a later time.

Utahna Wilson addressed the Commission and felt the Commission was discrimina- tory. Others present, primarily the North Emery Water Users Association, also opposed the action.

Joane Pappas White requested further consideration of the claim submitted by the North Emery Water Users Association for repairs done to the bridge in 1987. County Attorney Scott Johansen, speaking on behalf of the Commission, noted that the claim had been denied and formal notice to them was not required. He further noted the Commission would not further discuss or consider that claim.

Mrs. White requested of the Commission a date and time when this matter would be brought back before them. Commission Chairman Clyde Thompson set the date of May 18, 1988, and that interested parties contact the Commission secretary and set a time to be on the agenda.

(10)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:46 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:30 p.m. with all members present.

(11)  
ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk discussed the following matters with the Commission:

A) Purchase of a Speedy Moisture Tester - Discussed with the Commission was the need to purchase a speedy moisture tester to determine the moisture content of dirt roads which would have the enzyme applied as a dust controller. He noted that the moisture content is

very critical. It was anticipated that the maximum cost for the equipment would be \$565.00. Wherein, motion was made by Commissioner Duane Collard to approve the purchase of a speedy moisture tester not to exceed \$565.00 by the Road Department. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Miscellaneous Items - The following items were briefly discussed with the Commission, but no action was taken. Mr. Funk requested the Commission to postpone the requirement for Charles Watterson of the Road Department to move to Emery County. He noted that he is unable to sale his home and it is within the old established County boundaries. Also discussed was a railroad flat car

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April 20, 1988

Rilda Canyon Road, cont. . . .

for possible location at the Lone Tree Crossing. Commissioner Mangum will check on the availability of one from Duane Frandsen. Mr. Funk was further requested by the Commission to investigate the Rilda Canyon Bridge and other routes.

(12)

TRAIL CANYON CITY - INCORPORATION - DENIED

Mel Coonrod and Wendell Owen met with the Commission relative to the Co-Op Mining Company's Petition for Incorporation and expressed a desire to have the matter voted upon today regardless of the outcome so that the Co-Op Mine reclamation, as supervised by State of Utah, Natural Resources, Oil, Gas & Mining, could proceed.

Commission Collard expressed reluctance to vote in favor of incorporation as this time because of the narrow canyon and the danger from falling rock, and also because Co-Op's proposal did not adequately address the sewer and waste water problems on the Huntington Creek watershed.

Commissioner Mangum likewise expressed reluctance to approve the incorporation for these same reasons and for the added reason that the Petition to Incorporate had not been verified relative to the voters and residents in the area.

Commissioner Thompson indicated that he did not hae enough information at this point to vote either way and, therefore, abstained.

After lengthy discussion between Mr. Coonrod, Mr. Owen and the Commission, a motion was made by Commissioner Collard and seconded by Commissioner Mangum to deny Co-Op Mining Company's Petition for Incorporation. The motion passed 2-0, with Commissioner Thompson abstaining.

The Emery County Commission is to prepare a letter to all interested parties of the official action taken in regards to this matter.

(13)

#### JOHANSEN AND TUTTLE ENGINEERING

Mr. Craig Johansen of Johansen and Tuttle Engineering came before the Commission to update them on the status of the airport project. He noted that

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Johansen & Tuttle Engineering, cont. . . .

the federal agency has returned their application and asked that certain items be removed. He stressed the importance of meeting with Ron Theobald on a State level before resubmitting the application.

Also discussed was the mineral lease monies and their availability. The Commission advised that they would not have additional information on this item until the conclusion of meetings next week.

(14)

#### SHERIFF'S DEPARTMENT COMPUTER AND SOFTWARE PROGRAMS

Taft Barington from Spillman Data Systems, and Bret Mills of the Sheriff's Department were in attendance. Commissioner Duane Collard reviewed with the Commission his recent visit to Cache County where they had looked at the SDS Law Enforcement System from Spillman Data Systems. He noted that they were very impressed with the hardware and the software.

At this time, Mr. Barington presented to the Commission a proposal dated March 7, 1988, outlining the hardware and software. Total cost of the hardware was anticipated at \$25,176.00. Questions were raised as to whether the Sheriff's Department needed seven terminals and seven printers. Software was in the amount of \$18,400.00. Annual maintenance on the software would be \$3,175.00. Other miscellaneous items would amount to \$8,027.00 for the first year. The total system cost is \$49,462.00. In addition, hardware maintenance would be at the rate of 1% of the cost of the hardware per month and subsequent years would be at the rate of 2%.

Whereupon, motion was made by Commissioner Duane Collard to approve the purchase of equipment contingent upon review of the agreements and determination as to actual equipment required. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(15)

SHERIFF'S DEPARTMENT TV AND VCR EQUIPMENT

Commissioner Duane Collard reviewed with the Commission a request from the Sheriff's Department to purchase video equipment. He further noted that they have requested one additional television together with a VCR which would be used for training. Whereupon, it was the motion and recommendation of Commissioner Duane Collard to approve the purchase of said items and that said purchase be reviewed with County Attorney Scott Johansen. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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April 20, 1988

(16)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:16 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

May 4, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the Agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the April 20, 1988, Commission Meeting were reviewed and amended. Motion was made by Commissioner Duane Collard to approve the minutes as amended. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #881221 through and including #881367 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Department	Cost	Action
25	Moisture tester & reagent - Road	617.00	Approved
26	AMP Probe Voltmeter - Road	105.00	Approved
27	Emergency Back-Up System - Road	700.00	Approved
28	Wacker Jumping Jack - Road	1,649.00	Approved

Motion to approve all requisitions for purchase was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

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Commission Minutes

May 4, 1988

Auditor's Business, cont. . . .

Motion was made by Commissioner Duane Collard to deny Warrant #881156 to cover the costs of a court-ordered mental evaluation as presented in the Commission meeting of April 20, 1988. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(3)

EMERY COUNTY NURSING HOME - JOHN BRAMALL - REIMBURSEMENT REQUEST

Emery County Nursing Home Administrator John Bramall presented the Commission with an accounts payable sheet of the Nursing Home showing \$32,000 due and payable. Also presented to the Commission was a list of boiler expenses through 1987 in the amount of \$11,327.92. Mr. Bramall indicated his purpose in being before the Commission was to report on the year 1987, request funds, and to explain why he needs those funds.

The Nursing Home year-end balance as of 12-31-87 was \$7,768.96 with capital improvements for 1987 totalling \$38,923.00. Of this amount, \$9,428.00 was paid by Emery County for repairs made to the roof. January 1 through April of 1988, the Nursing Home is now in the hole approximately \$39,000.00 because of these capital expenditures, with \$7,479.00 owed to the State Retirement System. He noted that he is unable to come up with the necessary funds to meet present obligations. Therefore, he advised the Commission that he is in need of approximately \$21,725.00 reimbursement from the County as provided for under provisions in the Management Agreement.

In response to a question regarding reasons the accounts payable are so high since the first of the year, Mr. Bramall indicated that this is due to a decrease in the number of beds being occupied in the Nursing Home. He indicated that additional costs are due to increased wages and that liability and health insurance have also increased. He further noted that they have not raised the care rates in the Nursing Home since 1985.

Wherein Commissioner Duane Collard recommended that rates at the Nursing home be increased due to inflation and that they be made comparable to other nursing homes in the area.

It was further recommended by County Attorney, Scott Johansen that the Emery County Auditor's office verify the records for the year 1987 and through the first part of 1988 and verify the claims. It was noted that if the claims are justifiable, that Emery County may be under obligation.

Mr. Bramall further requested from the Commission permission to use County Attorney, Scott Johansen to prepare necessary documentation in order to pursue adequate funding from the State of Utah. He indicated this would in turn relieve the County from future financial burden.

It was the consensus of the Commission that Mr. Bramall and County Attorney, Scott Johansen get together and prepare the necessary documents and requests for funding from the State of Utah.



Nursing Home, cont. . . .

Mr. Bramall further indicated that he has been before the Nursing Home Board in regards to the Nursing Home conditions and they have referred him to the Commission.

After further discussion, motion was made by Commissioner Jerry Mangum to give the Emery County Nursing Home \$10,000.00 as budgeted. Motion was further made and upon approval of the Nursing Home Board, that authorization be given for a rate increase from the present \$43.35 per day to \$45.00 per day for intermediate care and that skilled care be brought up to a maximum of \$50.00 per day. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

Commissioner Collard also advised Mr. Bramall that the County does not have any problem in their use of the blue County bus, provided that the driver is properly licensed.

(4)

#### SHERIFF'S DEPARTMENT BUSINESS

A) Surplus Vehicle Disposal - Sheriff Lamar Guymon reviewed with the Commission bids that he had received on various vehicles in his possession. He noted that bids for the used vehicles were much higher than anticipated and requested permission from the Commission to dispose of the vehicles. Motion was made by Commissioner Jerry Mangum to appoint Commissioner Duane Collard to work with the Sheriff's Department in disposing of the vehicles. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) I-70 Collections - Sheriff Guymon reviewed with the Commission the collections on I-70 and Highway 6 for the year 1987. The total collections in fines netted the County a profit of approximately \$23,400 after expenses. It was further noted that during 1988 in which the same areas were patrolled, approximately \$326 per day has been netted in excess of costs.

Sheriff Guymon further requested use of the \$17,000 in state monies as a carry over from last year given to the County for alcohol and drug enforcement. He noted that the monies have to be spent for certain things. It was suggested that it be used to pay deputies for the extra patrol shifts in alcohol and drug enforcement.

Whereupon, motion was made by Commissioner Duane Collard to authorize the spending of the \$17,000 for extra shift work on I-70 and U.S. 6. It was stipulated that every officer have a fair and equal opportunity to participate and that comp time not be increased in the Sheriff's Department. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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May 4, 1988

(5)  
JAMES BANASKY - SALARY INCREASE

Mr. James Banasky of Banasky Insurance informed the Commission that he has requested a salary increase for himself from Equitable Insurance Company. He indicated Equitable has submitted a document which requires authorization by the Emery County Commission. Mr. Banasky further pointed out that his commission on the Emery County premium is much less than other comparable companies and programs. Equitable has assured him that there are sufficient monies in reserve for this item and that such an increase would not raise the County Group Health Insurance premium.

Commissioner Duane Collard questioned if this was the same reserve fund with which insurance claims are paid out of. Mr. Banasky assured Commissioner Collard that it was not. In response to Auditor, Karen Truman's questions if this would have an effect on the premium rate in future years, Mr. Banasky indicated it would not. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to authorize Commission Chairman Clyde Thompson to sign the letter giving Commission consent to Mr. James Banasky to receive a salary adjustment.

(6)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 11:52 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:00 p.m. with all members present.

(7)  
ROAD DEPARTMENT BUSINESS

A) Enzyme Road Process - Road Superintendent Rex Funk reviewed with the Commission progress and efforts being made in applying the enzyme process. He noted that it is presently being applied in Ferron Canyon with the intent to follow by chip and sealing to the Millsite entrance. This will be followed by application of the material to the Dutch Flat Road. He further noted that they have approximately 500 ton of chips to apply in the area for the Special Service District.

B) Used D-8 Caterpillar - Mr. Funk reviewed with the Commission a request to purchase a used D-8 Caterpillar with rippers from an auction in Longmont, Colorado. He noted that the average sale price there is approximately \$25,000. He further requested that Mr.

Bill Pace of Ferron accompany Commissioner Mangum or another employee of the Road Department to inspect and determine which piece of equipment would be the best buy.

After further discussion, motion was made by Commissioner Duane Collard to pay the expenses and wages for Bill Pace of Ferron, Utah, while accompanying Commissioner Jerry Mangum to Lamont, Colorado, to the auction and to approve

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May 4, 1988

Road Department Business, cont. . . .

the out-of-state travel for one employee should Commissioner Mangum not be available. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. It was further noted that they had to be there on May 16 to inspect the equipment prior to the sale.

C) U.S. Forest Service - Annual Visit - Ira Hatch and John Niebergall of the U.S. Forest Service came before the Commission to bring them up to date and to make them aware of activities in the forest boundaries in Emery County. Mr. Niebergall further confirmed plans under way to drain the Ferron Reservoir, noting that they will be putting in a new culinary water system in that location. Also discussed were coal leases and the forest plan.

Mr. Hatch discussed the activities on Electric Lake. He expressed interest in continuing to participate with the County in regards to controlling noxious weeds. He discussed the reclamation projects in Meetinghouse and Rilda Canyons, noting that the grazing fees have increased this year. He further indicated that the Forest Service will be changing their user fee rates. Wherein, the Commission expressed appreciation to Mr. Hatch and Mr. Niebergall for keeping the Commission informed.

D) Buckhorn Drainage Project - Mr. Craig Johansen of Johansen and Tuttle Engineering together with Road Superintendent Rex Funk informed the Commission that they now have BLM permission to proceed on the Buckhorn Drainage Project at an estimated cost of approximately \$185,000. This would include proceeding on the revised plans for the lower dip. Mr. Johansen indicated they would like to begin with the advertising and have the bid opening on approximately May 31. At which time they could review the bids received with the County Commission at their first meeting in June. Whereupon, motion was made by Commissioner Jerry Mangum to proceed with the advertising for the bid and that Road Superintendent Rex Funk verify proper funding. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(8)

ARTHUR OLSEN - CATTLE IMPOUNDMENT

Mr. Arthur Olsen came before the Commission requesting a reduction in the fine assessed for nineteen head of cattle which were picked up by the County Animal Control Officer and hauled to the impound yard. Jerry Bott had corralled the animals and contacted the County Officer to have the county remove the animals from his property after repeated attempts to get in touch with Mr. Olsen. Mr. Olsen indicated that Mr. Bott had assured him that it was not his intent to cause any financial burden on Mr. Olsen. Mr. Olsen indicated that he had been out of town and his children had not been able to communicate the need until after confinement had taken place.

The Commission inquired as to whether Mr. Bott had been informed as to the costs that Mr. Olsen would incur if the County were to impound the cattle. Wherein, Sheriff Guymon was asked to contact the County Animal Control Officer and get some background information. Sheriff Guymon responded that Mr. Bott had not been informed as to the costs involved.

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Arthur Olsen, cont. . . .

After further consideration and discussion, motion was made by Commissioner Duane Collard to assess Mr. Olsen \$25.00 for the first cow and \$5.00 for each thereafter. This was agreeable to Mr. Olsen. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(9)  
PERSONNEL ITEMS

A) Steve Kemple - Road Department - Emery County Personnel Technician Pat Snowball together with Road Superintendent Rex Funk informed the Commission that Steve Kemple of the Road Department will be having heart surgery. They indicated the recovery period will be approximately three months and Mr. Kemple does not have sufficient sick leave time. Mr. Kemple has requested a leave of absence without pay. However, the concern is whether the County would pick up the health insurance while he is on leave for approximately two months at a cost of \$286.00 per month.

Mrs. Snowball indicated that this is an administrative decision for the Commission. Mr. Funk indicated that Mr. Kemple is a valuable employee of the Road Department and has been there for approximately two years. Commissioner Collard indicated that the County might seriously look at bank hours in a health program for such emergencies. After further discussion, motion was made by Commissioner Jerry Mangum to authorize the signing of an agreement by Mr. Kemple that he will reimburse Emery County for the cost of the two months medical insurance either by converting sick leave days or through

payroll deduction. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Temporary Seasonal Help - Road Department - The following Personnel Action Forms were presented for Commission consideration as temporary seasonal employees in the Road Department: Kirk Elliott from Huntington, as an operator at \$8.00 per hour for five months, effective May 5, 1988; Wesley A. Gray from Huntington, as a laborer at \$7.00 per hour for three months, effective May 5, 1988; and Zen Majors of Huntington, as a weed mower operator at \$8.00 per hour for five months, effective May 5, 1988. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the temporary seasonal summer employees in the Road Department as presented. Motion was approved by all members present.

C) Sheriff's Department - Robert Earl Blackburn - Presented to the Commission was the Personnel Action Form for Robert Earl Blackburn of Ferron, Utah, who has served as a temporary jailer and is to be reclassified as a permanent jailer at a Grade 9, Step 1 or a salary of \$1,531.64 per month. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form reclassifying Robert Earl Blackburn to a permanent jailer at a Grade 9, Step 1 or a salary of \$1,531.64 per month, effective May 1, 1988. Motion was approved by all members present.

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Personnel Items, cont. . . .

D) Sheriff's Department - J. Ray Jeffs - The Personnel Action Form for J. Ray Jeffs of Orangeville was presented to the Commission for approval. Mr. Jeffs is to be reclassified from a Dispatcher at a Grade 9, Step 1 or salary of \$1,531.64 per month to that of a Patrol Deputy II at a Grade 11, Step 1 or a salary of \$1,710.00 per month. It was noted that he graduated from POST training on March 18, 1988. Whereupon, motion was made by Commissioner Duane Collard to approve the reclassification of J. Ray Jeffs to a Patrol Deputy II at a Grade 11, Step 1 or a salary of \$1,710.00 per month.

E) Ratify Weed and Mosquito Department Hires - Motion was made by Commissioner Duane Collard to ratify the approval given previously for the hiring of the following Weed and Mosquito people: Claron Durrant of Huntington, to be paid at the rate of \$6.97 per hour effective June 1, 1988; DeWayne Fowler of Huntington, to be paid at \$8.50 per hour effective June 1, 1988; Dennis Dooley of Ferron, to be paid at \$8.50 per hour effective June 1, 1988; and Richard Snowball of Ferron, to be paid at the rate of \$8.50 per hour effective May 2, 1988. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

F) Recreation Department - Presented to the Commission were the following Personnel Action Forms from the Recreation Department: Karl Niebergall of Ferron, to be hired as a recreation complex caretaker on a temporary seasonal basis to be paid at the rate of \$5.00 per hour with an effective date of May 2, 1988; and Ed Clark of Ferron, to be hired as a recreation complex caretaker on a temporary seasonal basis to be paid at the rate of \$5.00 per hour with an effective date of May 2, 1988. Whereupon, motion was made by Commissioner Jerry Mangum to approve the hiring of Karl Niebergall and Ed Clark as recreation complex caretakers to be temporary seasonal employees to be paid at the rate of \$5.00 per hour effective May 2, 1988. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(10)

#### BRAND INSPECTION AGREEMENT

Motion was made by Commissioner Jerry Mangum to ratify the signing of the Brand Inspection Agreement as previously signed by Commission Chairman Clyde Thompson. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(11)

#### EMERY CONSERVANCY DISTRICT - BOARD OF DIRECTORS APPOINTMENT

Requested by letter from the Huntington-Cleveland Irrigation Company was the appointment of Kay Jensen to serve on the Board of Directors of the Emery Conservancy District. Whereupon, motion was made by Commissioner Jerry Mangum to approve the appointment of Kay Jensen to serve on the Board of Directors of the Emery Conservancy District. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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May 4, 1988

(12)

#### CIRCUIT COURT CONTRACT

Emery County Clerk, Bruce Funk presented to the Commission for their review the Circuit Court contract as submitted to the Commission by Tim Simmons, Regional Director of Court Services. The contract covers the 1988-1989 contract year. Mr. Funk reviewed each category with the Commission. He noted that in item #4, lease of court space, that estimated days of use is 56. From January 1 through May 1 of 1988, the Circuit Court has scheduled 12 trials and had 17 Law and Motion Days. Wherein, the

number of days need to be adjusted. He further noted that the court room is used almost exclusively by Juvenile Court and Circuit Court and consideration needs to be given to entering into an agreement with the Court Administrators office for space reimbursement for Juvenile Court. It was the consensus of the Commission that Mr. Funk pursue space reimbursement by Juvenile Court, increase the reimbursement for court space by Circuit Court and that any action be deferred on a contract until next Commission meeting. Motion to this effect was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard and approved by all members present.

(13)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 4:04 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE  
MAY 18, 1988

Those present at the meeting were Commissioners Clyde Thompson, and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk. Commissioner Jerry Mangum was in Longmont, Colorado, on County business and was excused from the meeting.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce C. Funk.

A review of the Agenda was made.

#### COMMISSIONERS MINUTES

The minutes of the May 4, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and approved by all embers present.

## AUDITOR'S BUSINESS

Emery County Deputy Auditor, Lorna Davis presented Warrant Edit List #881382 through and including #881535 for payment. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all embers present.

### (3) SURPLUS PROPERTY DISPOSAL - ROAD DEPARTMENT

Emery County Deputy Auditor, Lorna Davis presented to the Commission a disposition form covering disposal of numerous radios which have been used for parts or that have not been on the County asset list. Also included was the transfer of a tamper which was traded to the Emery County School District for a steam cleaner. These items were from the Road Department. Whereupon, motion was made by Commissioner Duane Collard to approve and sign the disposition form covering the miscellaneous radios and the exchange of the tamper for a steam cleaner with the Emery County School District. Whereupon, motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

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May 18, 1988

### (4) ATTORNEY'S BUSINESS

A)Water Rights - Southeast Emery Gravel Pit - County Attorney Scott Johansen informed the Commission that he has received notice from the State Engineer in regards to Emery County's application on the water rights on the gravel pit located southeast of Emery. He indicated that Emery County's request has been denied. He informed the Commission that Emery County has 90 days to appeal the decision. He noted that it was originally set up for livestock. Under another use for the water, a new application would have to be submitted. Mr. Johansen questioned whether the County really had use for the water. Whereupon, it was the consensus of the Commission that the County Attorney's Office acknowledge receipt of the notice and that no action be taken by the commission at this time.

B)Tax Initiative - County Attorney, Scott Johansen advised the Commission that a local Utah Education Association representative has a 15 minute video on the tax initiative available for the Commission to view. However, he has not heard back from



the representative and will advise the Commission as to a date when he can present the video.

C)Method of MAY Tax Sale - Mr. Johansen further reviewed with the Commission the need to establish the procedure for the May Tax Sale on delinquent properties. The first option is to sale the least amount of property for the taxes. The second option is to sale the whole property based on a fair market value. Commissioner Duane Collard indicated it was his recollection from last year that the County used the second method. Therefore, it was Commissioner Collard's motion that the County sale the delinquent properties at a fair market value, keeping the property in tact. Motion was seconded by Commission Chairman Clyde Thompson and approved by all embers present. (This minute entry was amended in the Commission Meeting of June 1, 1988, to reflect the adoption and use of option #1 both in the previous year and this year.)

(5)

#### BOARD OF EQUALIZATION FOR PERSONAL PROPERTY

The meeting was opened to the Board of Equalization for Personal Property. There was no one present to adjust or consider personal property.

Mr. Roger Curtis had been scheduled at this time to have the Commission look at some real property. Also pre sent were Jim Fauver and Ina Lee Magnuson. Mr. Curtis indicated that the property in question amounted to 30/100 of an acre. In approximately 1981, Orangeville City annexed that property into the city limits. After that he received copies of the tax notices, but could never get proper explanation as to what had happened and whether the notice he was receiving was actually his property. Therefore, he has not paid the taxes since 1983, although he had paid the taxes in 1981 and 1982.

Mr. Curtis indicated that he had been in on two or three occasions and met with County Officials, but never resolved his concerns. He indicated that since the County has recently surveyed the property and established the corners that it is definitely his property, he is willing to pay the taxes. He requested that the penalties and interest be waived. Mr. Fauver indicated that it has been appraised as an unusable city lot and that it is not on Green Belt. Page Three

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May 18, 1988

Board of Equalization, cont. ...

After further discussion and consideration, motion was made by Commission Chairman Clyde Thompson to waive the interest and penalties on the property, provided that Mr. Curtis pay the taxes due. Motion was further made that it be Mr. Curtis's responsibility to get the properties on Green Belt for this year or next year. Motion was seconded by Commissioner Duane Collard and approved by all embers present.

## PLANNING AND ZONING COMMISSION

Acting Zoning Administrator James Fauver presented to the Commission for their consideration the following recommended members of the Planning Commission: Ben Coomer of Green River, term to expire January 1, 1989; Tracy Jeffs of Castle Dale, term to expire January 1, 1989; Lewis Stilson of Orangeville, term to expire January 1, 1990; Willis Wilson of Lawrence, term to expire January 1, 1990; Marilyn Herzog of Elmo, term to expire January 1, 1990; and Commissioner Duane Collard, term to expire January 1, 1991.

After further discussion, it was recommended that Merlin Weber of Ferron be contacted to see if he would be willing to serve on the Committee, with the term to expire January 1, 1989. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the Planning and Zoning Board as presented and that Merlin Weber be approved as a Ferron representative after contact has been made with him and he is willing to serve. Motion was seconded by Commissioner Duane Collard and approved by all members present.

## MAY TO BE OLDER AMERICANS MONTH DECLARATION

Mr. Maughan Guymon was present at the Commission meeting wherein Commissioner Duane Collard read the declaration declaring the month of May as Older Americans Month. The declaration read as follows:

WHEREAS, senior citizens are becoming an increasingly more numerous segment of our society as our life span increases; and

WHEREAS, all citizens can be grateful for the outstanding contributions to our families and our society by older Americans; and

WHEREAS, younger individuals can significantly benefit from role models provided by older Americans in preserving our hard won values of equality, patriotism, freedom of opportunity, adherence to laws, strong work ethic; and

WHEREAS, our Emery County culture provides an excellent quality of life to all citizens because of the contributions of older Americans and those who have passed on before us; and

WHEREAS, there are many senior citizens requiring our care and attention due to the frailties of age through no fault of their own;

Older Americans Month, cont. ...

NOW, THEREFORE, we, the Emery County Commission, do hereby declare the month of May, 1988, as

#### OLDER AMERICANS MONTH

in Emery County and do urge all older Americans to participate in activities for the month organized within them of "Grow Old in Utah - The Best is Yet to Be".

Whereupon, motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to declare the month of May as Older Americans Month. Motion was approved by all members present.

(7)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 11:48 a.m. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1 :00 p.m. with all members present.

(8)  
ROAD DEPARTMENT BUSINESS - TRUCKING CONTRACT

Emery County Road Superintendent Rex Funk presented to the Commission for their consideration a contract between Kerwin Jensen and Emery County for the hauling of road chips to designated areas within the boundaries of Emery County at a cost of \$44,000. It was noted that Mr. Jensen was the low bidder for delivery of chips at this time. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Clyde Thompson to approve the contract between Emery County and Kerwin Jensen for the hauling of road chips to the designated areas.

#### PERSONNEL ITEMS

A)Bernell Akelund - Retirement - Presented to the Commission for consideration was the Personnel Action Form for Bernell Akelund who retired from the Emery County Road Department on April 15, 1988. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form and retirement of Bernell Akelund of Clawson, Utah. Commissioner Collard further expressed appreciation to the efforts and work he has done while in the Road Department. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

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Commission Minutes  
May 19, 1988

Personnel Items, cont. ...

B)Bernell Halliday - Road Department - Presented to the Commission was the Personnel Action Form for Bernell Halliday to be hired as a temporary summer laborer at the rate of \$7.00 per hour for a period of three months effective 5-19-88. Whereupon, motion was made by Commissioner Duane Collard to approve the temporary hiring of Bernell Halliday as a laborer in the Road Department at the rate of \$7.00 per hour effective 5-19-88 for a three month period. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

C)Steve Kempel Agreement - Presented to the Commission was the Agreement between Steve Kempel who is employed in the Emery County Road Department and Emery County. In Commission action on May 4, 1988, it was authorized that Mr. Kempel would enter into an agreement to reimburse Emery County for the medical insurance during the time he is on leave of absence for a total amount of \$578.42. Whereupon, motion was made by Commissioner Duane Collard to accept the agreement and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

D)Jerilyn Mathis - County Librarian - Commissioner Duane Collard advised the Commission that he has reviewed the employment status of Jerilyn Mathis with her, noting that in the past she has been working full time at a salary of \$1,600 per month. It was his recommendation that she remain full time at the present salary and that she be allowed to set her schedule as needed, putting in the required minimum of 40 hours per week. Wherein, it was the consensus of the Commission that Jerilyn Mathis remain full time at the present salary with a schedule and guide lines as Commissioner Collard has indicated.

E)EMT Approvals - Emery County Personnel Technician Pat Snowball presented the following Personnel Action Forms for EMT's: Stephanie Wareham of Ferron, Anne M. Conover of Ferron, Reed Don Conover of Ferron, Brenda L. Lundell of Ferron, Cathy N. Johnson of Ferron, Gregory Ebeling of Castle Dale, Marie Jensen of Castle Dale, Kay W. Wilberg of Castle Dale, Renae Taylor of Huntington, Tom Harrison of Castle Dale and Les Wilberg of Castle Dale. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the Personnel Action Forms for the fore-mentioned EMT's effective April 1, 1988. Motion was seconded by Commissioner Duane Collard and approved by all members present.

LIBRARY JOB DESCRIPTIONS

Commissioner Duane Collard reviewed with the Commission the evaluation of the library positions done by Mike Swallow. Mr. Swallow has evaluated and drafted new Job specifications for positions of County and Branch Librarians. Commissioner Collard indicated that these descriptions have been presented to the Library Board and they have not disagreed with them. Wherein, motion was made by Commissioner Duane Collard to adopt the Library job descriptions as prepared. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

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Commission Minutes

May 18, 1988

#### DELINQUENT TAX - HARDSHIP EXTENSIONS

Motion was made by Commission Chairman Clyde Thompson to approve the extension in hardship cases for delinquent property taxes provided that 50% of the tax due is paid prior to May 25 with the balance due November 30, 1988. This will apply to delinquent property taxes only and the individuals will need to meet the criteria as set up. Motion was seconded by Commissioner Duane Collard and approved by all embers present.

#### TRANSFER OF FUNDS - REVENUE SHARING

Commission Chairman Clyde Thompson made a motion to authorize the transfer of sufficient funds from the Road Department Revenue Sharing money to the Recreation Complex budget. This is to cover the costs of rest rooms at the Bear Canyon Campground. Motion was seconded by Commissioner Duane Collard and approved by all embers present.

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 1:48 p.m. was made by Commission Chairman Clyde Thompson seconded by Commissioner Duane Collard and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

JUNE 1, 1988

Those present at the meeting were Commissioners Clyde Thompson and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk. Commissioner Mangum was in Nevada on County business and was excused from the meeting.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by County Attorney, Scott Johansen.

A review of the Agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the May 18, 1988, Commission Meeting were reviewed and amended. Motion was made by Commissioner Duane Collard to amend item 4C on page two, the method of the May Tax Sale. He noted that after further investigation, the previous year method of May Tax Sale was based upon sale of the least amount of property for taxes. Therefore, motion was made to ratify the same method of May Tax Sale this year as used last year and to amend the minutes to reflect the same, or the first option, and to correct those minutes. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

#### REGISTRATION AGENTS

County Clerk, Bruce C. Funk, presented to the Commission for their consideration the following registration agents for the year 1988 and 1989: Emery #1 - Maggie Hansen; Ferron South #2 - Erma Box; Ferron North #3 - Darlene Oakeson; Clawson #4 - Joan Anderson; Orangeville #5 - Elrain Thompson; Castle Dale West #6 - M. Elaine Beard and Colleen P. Bott; Castle Dale East #7 - Margaret Fielding; Huntington East #8 - Uneta Grange; Huntington West #9 - Marjorie Ward; Cleveland #10 - Annette Wells; Elmo #11 - Lucille Willson; Green River #12 - Norma Dean Hawkinson, LuRey Vetere and Carol Dennis.

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the Registration Agents for the year 1988 and 1989 as presented and in Castle Dale West #6, that Colleen Bott be appointed and in Green River #12, Norma Dean Hawkinson from those names submitted. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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June 1, 1988

(3)  
JUDGES OF ELECTION

County Clerk, Bruce C. Funk, presented to the Commission for their consideration the following individuals as Judges of Election:

EMERY #1

Democrat:      Republican:

Hazel Cox      Ronnie Sorensen  
Judy Mortensen

Jane Manchester  
Jean Christensen  
Beverly Bunderson

FERRON SOUTH #2

Betty Luce Evelyn Huntsman  
Paul W. Quayle

Karen Barton  
Eleanore George  
Kathy Singleton

FERRON NORTH #3

Kathy Powell  
Paula Lucas Mary Horscroft

Jackie Jones  
  
ViAnn Niebergall  
Sylvia Morley

CLAWSON #4

Allene Riley  
Ted Ann Funk

Teresa Behunin

ORANGEVILLE #5

Jeanne Scovill  
Lola Jewkes Sandra Oman

Jennifer J. Fauver

Ruth H. Stilson  
Elrain Thompson  
Robynn Fulton

(alternate)

CASTLE DALE WEST #6

Laurie Rogers  
Lu Ann Whiteleather

Zora Peacock  
Elaine Wilberg  
Elaine Beard  
Patricia C. Sanders

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Judges of Election, cont. . . .

CASTLE DALE EAST #7

Democrat: Republican:  
Marianne Day  
Eleanor Blackham

Eileen Lofthouse  
Trina Branson  
Sharon Smith  
John L. Jorgensen

HUNTINGTON EAST #8

Nancy Livingston  
LuRene Swinburn

Pat Brinkerhoff  
Debbie Smith  
Velma Gardner  
Vera Gordon

HUNTINGTON WEST #9

Mickey Cranford  
Joyce R. Howard

Zenna Linton  
Laurel McArthur  
Lisa Miller  
Lynette McElprang

CLEVELAND #10

Lorraine Jensen  
Clarice Sandstrom

Vernice E. Wells  
Elva Wayne  
Darlene Erni  
Shqwna Minchey  
Marjorie White



ELMO #11

Emma Tucker Georgena Hansen  
Bertha Jones  
Erma Lou Jones  
Sally Staker

Debbie Jones

GREEN RIVER #12

Mary Caffee Mazel Curtis  
Jewell Thayn

Allene Spadafora  
Rea Dawn Rowley  
Ruby Dale Anderson

(or alternate)

Sandra Silliman

(alternate)

Shirley Ramsay

(alternate)

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June 1, 1988

Judges of Election, cont.

Mr. Funk indicated the names submitted by the voting precincts from the Mass Meetings have all been included. All people have been contacted and verification made as to their availability to serve.

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the Judges of Election for the year 1988 as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present. The County Clerk is to contact the Green River #12 precinct and they are to advise which of the alternates they prefer using on the republican side. (Precinct party chairman on June 2, 1988, gave the name of Ruby Anderson.)

(4)

REGISTRATION AGENTS AND JUDGES OF ELECTION - PAY AND TRAINING

County Clerk, Bruce Funk, reviewed with the Commission the previous year's arrangements for payment of Registration Agents and Judges of Election. The Registration Agents have been paid \$20.00 per day plus \$10.00 per day for the use of their homes. The Judges of Election are to be paid \$50.00. Further requested of the

Commission was approval of the training meetings for both groups. Wherein, the County would provide refreshments and pay mileage at the standard rate.

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the rate of pay as presented and to approve the training meetings for both groups wherein Emery County would pay mileage to that training seminar. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(5)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #881579 through and including #881714 for payment. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented to the Commission for consideration:

Cost Action	Req. #	Item and Department	
Approved	29	Drill Press - Road	655.00
Approved	30	14" Electric Cut Off Saw - Road	215.95
297.98 Approved	31	3M Overhead Projector - Circuit Court	

Motion to approve the requisitions was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

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June 1, 1988

(6)  
TAX ANTICIPATION NOTE

County Attorney Scott Johansen together with Emery County Auditor Karen Truman reviewed with the Commission the possible need to proceed with the Tax Anticipation Note. Emery County Auditor Karen Truman informed the commission that at the present

time, Emery County is using up its reserves. Therefore, a Tax Anticipation Note would be advantageous. Whereupon, it was the consensus of the Commission that County Attorney Scott Johansen pursue the County Tax Anticipation Note.

(7)

#### ECONOMIC DEVELOPMENT - FUNDS IN COUNTY BUDGET

Emery County Auditor Karen Truman discussed with the Commission a memo received from Independent Auditor, Kay Kimball in regards to the Economic Development funds. It was his recommendation that these funds be included in the County budget as a separate fund similar to that used for the library. Karen Truman advised the Commission that the Auditor's office is ready to proceed as recommended and such agencies would be included in the annual audits.

Whereupon, motion was made by Commissioner Duane Collard to transfer the funds of the Emery County Economic Development Council to the County General Fund as a separate fund with disbursements and audits through the Auditor's office. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(8)

#### HORN MOUNTAIN TELEVISION POWER LINE

Howard Tuttle of Johansen and Tuttle Engineering, together with Commissioner Duane Collard reviewed the status of the Horn Mountain Television Power Line. Mr. Tuttle noted that the BLM is satisfied with the work and reclamation performed there. He further noted that two weeks ago he was in contact with the Forest Service and they were to inspect the construction and get back with him. Therefore, he assumes that they are also satisfied.

Commissioner Duane Collard indicated that he has reviewed the sites and installation and he is also satisfied. His concern now is in regards to a final inspection. Whereupon, it was agreed that Commissioner Collard together with Mr. Tuttle and other interested parties would review the sites as a final inspection.

(9)

#### ROAD DEPARTMENT BUSINESS - BUCK HORN DRAW DRAINAGE PROJECT BID AWARD

Road Superintendent Rex Funk and Howard Tuttle of Johansen and Tuttle Engineering advised the Commission that they conducted the bid opening on the Buck Horn Draw Drainage Project on May 31, 1988, at 2:00 p.m. They presented to the Commission an abstract of the bids, wherein Nielsen Construction of Huntington was the apparent low bidder in the amount of

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June 1, 1988

Road Department, cont. . . .

\$209,868.00; Kent Stilson Construction of Orangeville in the amount of \$210,245.74; G & O Construction, Inc., of Green River, in the amount of \$218,630.44; Tony Saparas Construction of Price, in the amount of \$249,104.50.

Whereupon, motion was made by Commissioner Duane Collard to recognize Nielsen Construction as the apparent low bidder in the amount of \$209,868.00 and authorize Commission Chairman Clyde Thompson to sign the notice of award indicating that work is to proceed as soon as possible. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(10)

#### COMMUNITY IMPACT BOARD TOUR SCHEDULE

Darrell Leamaster, Director of the Castle Valley Special Service District, advised the Commission of the tentative schedule of the Community Impact Board. They will be touring Emery County on Thursday, July 14, 1988. The tentative schedule is as follows:

8:30 a.m. Leave Price Radison Inn  
9:00 Arrive at Scofield  
10:00 Leave Scofield - Travel over the top and down Huntington Canyon  
11:45 Arrive Castle Dale Ppark for Sack Lunch  
12:30 p.m. Tour Emery County Museum and meet with Museum Board  
1:30 Leave for Clawson Water Tank Project  
2:15 Leave Clawson for Emery Water Treatment Plant  
3:15 Leave Emery Water Plant for Ferron Golf Course  
4:00 Tour Golf Course  
5:15 to 5:30 Lamb Fry at Millsite State Park  
6:45 to 7:00 Return to Price

Wherein, Mr. Leamaster indicated that the Castle Valley Special Service District will provide for the lamb fry at Millsite State Park and questioned if the Commission could provide for the sack lunch. Wherein, it was the consensus of the Commission that Commission secretary Pat Snowball prepare a buffet of cold cuts for lunch.

(11)

#### PERSONNEL ITEMS - KAREN PEACOCK - PAY ADJUSTMENT

Commissioner Duane Collard presented to the Commission for their consideration a pay adjustment for Karen Peacock who is presently assisting the Data Processing Department. He requested additional compensation for the added time and responsibility in assisting in

the operation of the main frame computer. These duties are above the required duties of the Recorders office. He noted that Mrs. Peacock will remain on exempt status.

Whereupon, motion was made by Commissioner Duane Collard to approve the pay adjustment of Karen Peacock from a Grade 6, Step 7 or a salary of \$1,522 per month to a Grade 6, Step 8 or a salary of \$1,575 per month in recognition of

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Personnel Items, cont. . . .

her additional responsibilities and time requirements while assisting the Data Processing Department. This is to be effective July 1, 1988. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. (This is not a merit increase.)

(12)  
STATE TAX COMMISSION REIMBURSEMENT

Emery County Assessor James Fauver advised the Commission that his office is presently putting in an average of 23.68 hours per day on State Tax work and are being paid an average of \$27.93 per day. This makes an average of \$1.18 per hour. Mr. Fauver further indicated that this includes the time the State Tax people were here.

It was the consensus of the Commission that Mr. Fauver further study this as to the current costs, realizing initially much of the time and hours were spent in training of existing staff. Mr. Fauver is to report back to the Commission at a later time.

(13)  
ADJOURNMENT FOR LUNCH

Motion was made by Commission Chairman Clyde Thompson to adjourn for lunch at 12:00. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:16 p.m. with all members present.

(14)  
MENTAL HEALTH BOARD APPOINTMENTS

Commission Chairman Clyde Thompson reviewed a letter he received from James Whear from Four Corners Mental Health Center in regards to the need to reappoint board members to the mental health board. He noted that all appointments have an effective date of January 1, 1988, as defined in their bi- laws.

The following names were presented for consideration: Thomas Burr, term of office is one year, expiration date is January 1, 1989; Thomas Roush, term of office is three years, expiration date is January 1, 1991; Jon Crawford, term of office is five years, expiration date is January 1, 1993.

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the board members as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(15)  
CLERK'S OFFICE OVERHEAD PROJECTOR

County Clerk, Bruce Funk presented to the Commission for their consideration a requisition covering the purchase of a 3-M overhead projector for use in training meetings and presentations. He noted that this would be taken from Circuit Court funds.

Whereupon, motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the purchase of a 3-M overhead projector in the amount of \$297.98. Motion was approved by all members present.

(16)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 1:30 p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

JUNE 15, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; Deputy Clerk, Jami Luce; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:30 a.m.

Invocation was given by Commissioner, Jerry Mangum.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the June 1, 1988, Commission Meeting were reviewed. Motion was made by Commissioner Duane Collard to approved the minutes as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)  
EMERY COUNTY AUDIT

Kay Kimball of Kimball & Richards formally presented the County Audit to the Commission. Motion was made by Commission Chairman Clyde Thompson to adopt the audit as presented and commended Kimball & Richards on the efficient manner in which the audit was conducted. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #881729 through and including #881858 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

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June 15, 1988

The following requisition was presented to the Commission for consideration:

Req. #	Item and Department	Cost	Action
32	Kustom HR-12 Radar Guns	2,790.00	Approved

Motion to approve the requisitions was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard, and approved by all members present.

Commissioner Duane Collard presented a Disposition of Fixed Asset form from the Emery County Sheriff for disposal of seven vehicles as follows:

Ram Charger 005079  
1980 GMC Pickup C-10 002544  
1983 GMC K15 "Jimmy" 005060  
1984 Dodge Ram Charger 005234  
1984 Chevrolet Impala 005241

Motion was made by Commissioner Duane Collard that the County Dispose of them by private sale. Motion was seconded by Jerry Mangum and approved by all members present.

Emery County Auditor, Karen Truman, presented the Veteran's Exemption list for approval. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the list as presented. Motion was approved by all members present.

(4)

#### UTAH STATE TAX COMMISSION REIMBURSEMENT OF PART-TIME HELP

Assessor, Jim Fauver, requested a formal letter from the Commission directed to the Utah State Tax Commission to increase their reimbursement for part-time help from two hours per day to four hours per day. The Commission informed Mr. Fauver that additional time was needed in evaluation before this could be done. The Commission further recommended that this matter be continued to the end of June so that more accurate figures could be used in calculating the average time spent in their office on State Tax Commission business before a formal agreement was presented to the Tax Commission.

(5)

#### SOUTHEASTERN UTAH JUNIOR LIVESTOCK SHOW

Leon Jeffs, Joe Humphrey, Evans Clements, Jennie Lin Jeffs, Stacey Bott, Ina Lee Magnuson, and Dennis Worwood, all members of the Southeastern Utah Junior Livestock Show, presented each Commissioner with a belt buckle commemorating the 50th Anniversary of the Stockshow.



## SOUTHEASTERN UTAH JUNIOR LIVESTOCK SHOW Cont. . .

Scott Truman, director of Emery County Economic Development, advised the Commission of a concern that Carbon County would begin selling their livestock during their County Fair, thus lessening the support the Southeastern Utah Junior Livestock Show would receive from Carbon County businesses. Dennis Worwood commented that he had talked to Carbon County about this matter, but they were not considering this action this year. He suggested that the Commission try to discourage any competition on selling, noting that the Junior Livestock Show was the biggest in the State and he expected it to remain so. This year, alone, participants were coming from 19 different counties throughout the State and two participants were coming from the State of Arizona.

### (6) BOARD OF WATER RESOURCES BONDS

Darrell Leamaster of Castle Valley Special Service District indicated to the Commission that the Board of Water Resources was presently holding County bonds respectively valued at \$550,000.00 and \$750,000.00, and have contacted him since they are interested in reselling these bonds to generate ready working capital for the Board. After discussion the Commission advised Mr. Leamaster that they see no problems if the Water Board was to proceed. However, they concurred that all costs involved in this transaction should be covered by the Water Board.

### (7) DONATION OF ANNUAL LEAVE - RESOLUTION 6-15-88

County Attorney, Scott Johansen, presented Resolution 6-15-88 to the Commission which would allow, in this situation only, employees of the Road Department who wished to donate their own annual leave to fellow employees Steve Kemple and Randy Menser, to do so. Mr. Johansen explained that this would in no way set a precedent or obligate any County employees now or in the future to follow this action. Motion was made by Commissioner Jerry Mangum to accept this resolution. Commissioner Duane Collard seconded the motion and it was approved by all members present.

### (8) TAX ANTICIPATION NOTE

County Attorney, Scott Johansen, advised the Commission that he had received information from several investment firms with regards to funding a County Tax Anticipation note and that the firm of Ehrlich Bober could do this at the most advantage conditions. Their low bid was 6.0% plus the costs of issuance of approximately .4% with a return of 7.6%. Motion was made by Commission Chairman Clyde Thompson to authorize Attorney, Scott Johansen; Auditor, Karen Truman; and Treasurer, Elaine Wilson to proceed with the issuance of a County Tax Anticipation note of up to \$4.9 million with the Ehrlich Bober Investment firm and authorize a special meeting when the

documents are ready for signatures. Commissioner Duane Collard seconded the motion with approval by all members present.

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June 15, 1988

(9)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 11:59 a.m. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1:15 p.m. with all members present.

(10)  
EMPLOYEE PHYSICAL EXAMINATION

Commission Chairman Clyde Thompson reviewed with the Commission a request from the Utah Local Governments Trust and Workers' Compensation Division that Emery County commit full support and cooperation by implementing the prehire physical examination as required in the Workers' Compensation coverage. It was discussed that primary impact would be on those employees working in the Sheriff, Road, and Weed & Mosquito departments who are required to do physical work. Whereupon motion was made by Commissioner Jerry Mangum to accept the request and commit to support and implement a prehire evaluation. Emery County will contract through the Emery Medical Center and Commission Chairman Clyde Thompson will sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present. (This item was amended to read "all county employees will be required to take the physical examination". This is per Commission action on July 6, 1988.)

(11)  
MILLSITE STATE PARK AND GOLF COURSE DEDICATION

Emery County Economic Development director, Scott Truman, reviewed with the Commission dedication plans for the Millsite State Park and Golf Course. It has been suggested that this be done during the Ferron Peach Day celebration set for September 10, 1988. Recommendation of the Commission, since many times there is insufficient activities between the parade and the regular activities, is that they continue with that date. Mr. Truman noted he has reviewed this with people in Ferron and they are also in agreement feeling that it was an excellent recommendation. Mr. Truman inquired if the Commission was agreeable to participate in those dedications. The consensus of the Commission was that they would be involved in the Peach Day's celebration and the dedications of the State Park and Golf Course at Millsite Reservoir.

(12)

#### 1988-1989 CIRCUIT COURT CONTRACT APPROVAL

Emery County Clerk, Bruce C. Funk, reviewed with the Commission the revised 1988-1989 Circuit Court contract noting that the contract has been increased from \$46,866.00 to \$53,009.00 due to reimbursement for space used by the Juvenile Court offices as well as increased usage of the courtroom by Circuit Court. Mr. Funk has met with Tim Simmons, Director of Court Services, who has reviewed this fully with the Court Administrator's office. Whereupon motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the revised 1988-1989 Circuit Court contract as presented. Motion was approved by all members present.

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June 15, 1988

(13)

#### STATE DISTRICT COURT ADMINISTRATION - COUNTY DECLARATION OF INTENT

Emery County Clerk, Bruce C. Funk, advised the Commission that consideration needed to be given as to whether Emery County would give a Declaration of Intent to participate in the State District Court Administrative system which will take effect January 1, 1989. This action requires Commission approval by July 1, 1988. County Attorney, Scott Johansen, presented to the Commission for their consideration a County Declaration of Intent, noting that he has retyped the document using as reference the original submitted by the State Court Administrator's office. The only addition he made is "pursuant to a mutually agreeable contract between the State and the County, acknowledging that this decision is irrevocable." Whereupon motion was made by Commissioner Jerry Mangum to approve and sign the County Declaration of Intent to participate in the State District Court Administrative system. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(14)

#### MINERAL LEASE MONIES

Commissioner Jerry Mangum inquired as to the progress being made in regards to receipt of the mineral lease monies. Commission Chairman Clyde Thompson together with Commissioner Duane Collard discussed the progress. Presently, guidelines are being written at a cost of approximately \$600.00 to each of the recipient counties. Emery County will have to form a Special Service District separate from the Castle Valley Special Service District. In the creation of such a district outside the boundaries of Castle

Valley Service District and municipalities, the two service districts could not overlap providing the same type of services. Funds would be used primarily for roads in the County.

(15)

#### PERSONNEL ITEMS

Emery County personnel technician, Pat Snowball, presented the personnel action form for D. Scott Truman, the Emery County Economic Development director who is on exempt status by contract at a salary of \$2,333.00 per month. It has been requested by the Auditor's office that his status as to payroll be changed from a separate contract to be included in the Emery County payroll with no change to his exempt status or salary. Whereupon motion was made by Commissioner Duane Collard to approve the transfer of D. Scott Truman from a contract basis to the Emery County payroll with all other items remaining the same. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(16)

#### LIBRARY BOARD APPOINTMENT

Commissioner Duane Collard reviewed with the Commission the names submitted to him to serve on the Library Board from Orangeville. Those names that were presented were Floro Saupan, Joanne Arnold, E. Delile Hinkins,

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June 15, 1988

#### LIBRARY BOARD APPOINTMENT Cont. . .

Claudia Marietti, and Dixie Thompson. All names met with Commission approval. Therefore, it was recommended by the Commission that those names be taken back to the Library Board and that they make a selection of which the Commission would ratify.

(17)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:22 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard, and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

June 21, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Deputy Clerk, Jami Luce.

The meeting was called to order by Commission Chairman Clyde Thompson at 1:20 p.m.

(1)

#### RESOLUTION 6-21-88A - TAX ANTICIPATION NOTES

Mr. John Crandall, of the Erhlich Bober Investment firm presented to the Commission for their review a proposal to borrow \$4,700,000 from their firm at the rate of 6.0% for the Emery County tax anticipation notes for short-term financing with an effective date of June 30, 1988 through December 30, 1988. Commission Chairman Clyde Thompson proposed that the board of County Commissioners of Emery County, Utah, authorize the issuance and confirm the sale of \$4,700,000 tax anticipation notes, series 1988, of Emery County, Utah, providing for covenants to maintain the exemption of interest on the notes from federal income taxation, and related matters, and that this be done through the Erhlich Bober Investment firm. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to adopt the same. Motion was approved by all members present.

(2)

#### SETTING OF TAX RATES FOR EMERY COUNTY FUNDS

Emery County Auditor, Karen Truman, advised the Commission that to meet the adopted budget, the tax rate for the Emery County General Fund would need to be set at .003523. However, the maximum statutory rate set by the legislature is .0032, which when used, places the County in a deficit balance of approximately \$368,000. She indicated that the flood rate could be set at its maximum cutting County losses by approximately \$177,889. Nevertheless, losses would be substantial. Darrell Leamaster of the Castle Valley Special Service District advised the Commission that the Service District, as well, is facing a deficit balance of approximately \$93,000. Mrs. Truman indicated that the reason for this deficit is a result of tax protest money paid by Utah Power & Light causing a low percentage of collections on property tax revenue. She further pointed out that the amount of 1986 protest money being held by the County amounts to \$1,312,213 which will be distributed to the County funds, Service District fund, and Education fund now that the issue has been resolved as of May, 1988. In addition, UP & L paid over \$3 million protest money in 1987

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June 21, 1988

## TAX RATE FOR EMERY COUNTY FUNDS Cont. . .

which can not be distributed. The Commission discussed that it was imperative to the County to clarify Utah Power & Light's position so that the County could proceed in distributing this money. Commissioner Jerry Mangum suggested that the Commission consider distributing 40%\* of all monies being held so that the tax rate could be set at the maximum rate without substantial loss. It was decided by the Commission to postpone the setting of the tax rates for the County until after meeting with Utah Power & Light. Emery County Attorney, Scott Johansen, agreed to schedule this meeting so that the issue can be resolved before July 15th. (\*This was amended from 60% per Commission action on July 6, 1988.)

### HELD IN THE EMERY COUNTY COURTHOUSE

July 6, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the Agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the June 15, 1988, Commission Meeting were reviewed. Motion was made by Commissioner Jerry Mangum to amend item #10 regarding employee physical examinations to include all county employees be required to take the physical examination and also to approve the minutes of that meeting. Motion was seconded by Commissioner Duane Collard and approve by all members present.

(2)

#### MINUTES OF THE SPECIAL MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS HELD JUNE 21, 1988

Motion was made by Commissioner Jerry Mangum to amend the minutes of the June 21, 1988, Special Meeting regarding the setting of the tax rate for the Emery County funds to read from 60% distribution of all money being held to 40% of all monies being held and

to approve the balance of the minutes as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)

AUDITOR'S BUSINESS

A) Warrants and Requisitions - Emery County Auditor, Karen Truman, presented Warrant Edit List #881901 through and including #882072 and handwritten Warrants #1067 and 1068 for payment. Also presented was a requisition for a part-time employee on a contractual basis to work in the Communication's department. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment and to approve the requisition as presented. Motion was approved by all members present.

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Auditor's Business, cont. . . .

The following requisitions were presented to the Commission for approval:

Req. #	Item and Department	Cost	Action
33	Leroy Somer Generator - Road	3,000.00	
Approved			
34	Vehicle to replace 1984 Ramcharger - Sheriff	16,900.00	
Approved			

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the requisitions as presented. Motion was approved by all members present.

B) Participation in 401K Retirement Program - Emery County Auditor, Karen Truman requested Commission approval to allow county employees to participate in the 401K program by payroll deduction. She noted that this is on a voluntary basis. It was the consensus of the Commission that she proceed with payroll deduction for those county employees who are desirous in participating in the 401K program on a voluntary basis. The Auditor's office is to place a memo with the payroll indicating that the program is available through their office.

(4)

## SHERIFF'S BUSINESS

A) Disposal of Surplus Vehicles and Purchase of New Dodge Ramcharger - Emery County Sheriff Lamar Guymon requested permission of the Commission to dispose of additional vehicles, noting that he has received approximately \$16,000.00 from the disposal of vehicles. It was his request that said monies be used to purchase a new Dodge Ramcharger as a patrol vehicle. Whereupon, motion was made by Commissioner Duane Collard to approve the use of the money normally received for trade-ins for the purchase of a new Dodge Ramcharger and that any balance above the purchase amount would go into the county general fund. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Drug Dog Purchase and Training - Sheriff Guymon also inquired of the Commission as to the County's participation in the purchase and training of a drug dog, noting that he has solicited funds from the State. Also discussed was the drug and alcohol monies sent to the County from the State. Emery County Auditor, Karen Truman, indicated that those funds had already been allocated to the Sheriff's Department. Whereupon, after further discussion, it was the consensus of the Commission that if Emery County Sheriff Lamar Guymon would meet with Emery County Auditor, Karen Truman, and determine if monies are in the budget, that the Commission would consider the feasibility of participating in the purchase and training of a drug dog.

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Sheriff's Department Business, cont. . . .

C) Sick Hours - Sheriff Guymon inquired as to any ceilings that exist in the accumulation of sick leave. County Attorney Scott Johansen advised those present that no county employee can accumulate more than 120 working days of sick leave. He further clarified that it can only be used within the guidelines established and that there cannot be a reimbursement for those hours above that.

(5)  
TAX ANTICIPATION NOTE

County Attorney, Scott Johansen reported to the Commission that he has completed the Tax Anticipation Note wherein Emery County borrowed \$4.7 million at a 6% interest rate. This has been reinvested at a 7.75% interest rate payable December 30, 1988.

(6)  
JIM WHEAR - FOUR CORNERS MENTAL HEALTH CONTRACT AND UPDATE



Mr. James H. Whear, Executive Director of the Four Corners Mental Health Center, Inc., presented to the Commission for their consideration the Mental Health Services Agreement. He noted that this is an extension of previous year's agreements. It does incorporate the agreed-upon changes in the county funding wherein payment is based on a weighted 70% on population and 30% on taxable value calculated to each county's share. The Commission, together with County Attorney, Scott Johansen reviewed several areas of the agreement for clarification and also how this relates to the DUI services that the Four Corners Mental Health also provides. After considerable discussion, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Mental Health Service Agreement as presented and that no action be taken at this time in regards to the DUI services. Motion was approved by all members present.

(7)

#### ROAD DEPARTMENT BUSINESS

Emery County Road Superintendent Rex Funk presented to the Commission a disposition form on a generator. He noted that the generator purchased was too small. This would allow trade-in on a larger generator. Wherein, he also presented for Commission consideration a requisition covering a larger generator for the Road Department sufficient for their needs. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the disposal of a generator as trade-in on the generator requested. Motion was approved by all members present.

Mr. Funk also presented to the Commission a BLM request for the road right-of-way for the San Rafael bridge. Wherein, Commission Chairman Clyde Thompson signed the same.

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(8)

#### 4H FLAG AND RECOGNITION

Elaine Hatch, together with Representative Tom Christensen, came before the Commission indicating that Danny Bald, who attended the National 4H last fall representing Utah and Emery County, had received two 4H flags. It was Danny's desire that those be presented to Mr. Tom Christensen and the Emery County Commission for their 4H leadership and support. Wherein, Mr. Christensen and the Commission noted appreciation to Danny Bald and his accomplishments in the 4H program.

Representative Tom Christensen also advised the Commission of the recently held special session of the Legislature.

(9)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:14 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:25 p.m. with all members present.

(10)

#### SETTING THE 1988 TAX RATES

Emery County Auditor, Karen Truman presented to the Commission for their consideration the proposed tax rates for the year 1988 as follows: General Fund - tax rate .003199, projected revenue \$4,028,677.00; Debt Service - tax rate .000200, projected revenue \$252,082.00; Library - tax rate .000231, projected revenue \$291,162.00; Flood Control - tax rate .000213, projected revenue \$268,765.00; and Assessing and Collecting - tax rate .0005, projected revenue \$558,649.00.

Also presented to the Commission were the proposed tax rates for the Castle Valley Special Service District wherein their General Fund would be at a proposed tax rate of .000800 generating a revenue of \$880,000.00 and Debt Service at a rate of .002363 generating a revenue of \$2,600,000.00. Whereupon, motion was made by Commissioner Jerry Mangum to approve the proposed tax rates as recommended by the County Auditor's Office. It was noted that the tax rate has increased as a result of state assessed properties being down and that Utah Power and Light has paid a portion of their taxes under protest. However, this does not exceed the certified rate, but it does represent a shift of the tax burden from State assessed properties and Utah Power and Light to the other taxing entities. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(11)

#### AMENDED 1988 EMERY COUNTY BUDGET - RESOLUTION 7-6-88

Emery County Auditor, Karen Truman presented to the Commission for their consideration and approval the amended budget for the year 1988 as covered in

Resolution 7-6-88. She further reviewed with the Commission those areas where changes were made. Whereupon, motion was made by Commissioner Duane Collard to approve Resolution 7-6-88 amending the 1988 budget as presented. Motion was approved by all members present.

(12)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:02 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

### HELD IN THE EMERY COUNTY COURTHOUSE

July 20, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Gene Strate; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the Agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the July 6, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #882087 through and including #882216 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented to the Commission for approval:

Req. #	Item and Department	Cost	Action
35	2 Toilets for Bear Canyon Camp-ground - Recreation	10,981.00	Approved
36	Wet/Dry Shop Vac - Road	124.00	Approved

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was approved by all members present.

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(3)  
RATIFY THE SETTING OF THE 1988 TAX RATES

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to ratify the setting of the 1988 tax rates as done in the Commission Meeting of July 6, 1988, Item #10, Page 4. Motion was approved by all members present.

(4)  
RATIFY THE AMENDING OF THE 1988 EMERY COUNTY BUDGET AND RESOLUTION 7-6-88

Motion was made by Commissioner Jerry Mangum to ratify the action taken by the Commission in their July 6, 1988, Commission meeting wherein they amended the 1988 Emery County Budgets as proposed in Resolution 7-6-88. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(5)  
JUDGES OF ELECTION - PRIMARY ELECTION  
Emery County Clerk, Bruce Funk reviewed with the Commission the Primary Election, noting that there will only be one race on the Democratic ticket and one on the Republican as it appears at this time. Therefore, it was his suggestion and recommendation that counting judges not be used during the primary election. This would result in a considerable savings to the County. It was anticipated that this would not impose a great burden on the receiving judges at the conclusion of the polling period and enable them to do the counting also. Whereupon, motion was made by Commissioner Duane Collard to approve, where feasible, the use of only three receiving

judges during the primary election only as recommended. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

#### GREEN RIVER - AMTRAK - FLAG STOP

Commission Chairman Clyde Thompson read a letter received from Green River. They have requested support of the Commission in writing to Utah's U.S. Senators and Representatives in supporting Green River in their request for a flag stop at Green River for the Amtrak train. This would be on a seasonal basis for groups of 15 or more on a three-year trial basis. Whereupon, it was the consensus of the Commission to proceed and prepare letters of support in Green River's efforts.

(7)

#### DATA PROCESSING - SHERIFF'S DEPARTMENT

Commissioner Duane Collard reviewed the status of the new Sheriff's Department computer system which has been recently installed, noting that it looks and works well. It appears to be much easier and faster. Commissioner Collard has given approval for Darrell Cannon to repair the electrical wiring in the Sheriff's Department, noting that much of it is faulty and has been since construction time. He has approved those costs which are in the range of \$2,000 to \$2,500 and wanted to make the Commission aware.

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(8)

#### EMERY COUNTY EMPLOYEES PARTY

Emery County Treasurer, Elaine Wilson who is in charge of the Emery County Employees party this year, informed the Commission that invitations have been sent out with payroll checks. It was originally anticipated that the cost for the meal would be \$5.00 per plate. It was noted that those preparing the food have indicated that the cost would be more like \$6.00 per plate. The Commission and those present discussed the possibility of considering chicken and ribs. It was the consensus of the Commission that Elaine Wilson proceed making arrangements with the cost not to exceed \$5.00 per plate.

(9)

#### BOARD OF EQUALIZATION FOR PERSONAL PROPERTY

Commission Chairman Clyde Thompson opened the meeting to the Board of Equalization for Personal Property at 10:55 a.m. Commissioner Thompson inquired if there was anyone present or if any comments had been received in regards to personal

property. There were none, therefore, the Commission resumed the Regular Commission Meeting.

(10)

BUSINESS LICENSE - PERCY MOUNTEER

Acting Zoning Technician James Fauver presented to the Commission for their consideration an application for business license received from Percy Munteer. He will be doing business under the name of P.H.P., operating a metal fabrication shop at 710 East Highway 10, Huntington, Utah. Whereupon, motion was made by Commissioner Jerry Mangum to approve the business license application provided Mr. Munteer is in compliance with all County Ordinances and Regulations. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(11)

PERSONNEL ITEMS

A) Road Department - Gregory L. Daugherty - Presented to the Commission for consideration was the Personnel Action Form for Gregory L. Daugherty who terminated his employment on July 1, 1988, as a mechanic in the Road Department at a Grade 11, Step 1, or an hourly rate of \$9.45 per hour. Whereupon, motion was made by Commissioner Duane Collard to accept and approve the Personnel Action Form for Gregory L. Daugherty, terminating his employment with Emery County. Motion was approved by all members present.

B) Sheriff's Department - Daniel D. Lara - Presented to the Commission was the Personnel Action Form for Daniel D. Lara of the Sheriff's Department who has terminated his employment as a jailer, at a Grade 11, Step 7, or a salary of \$2,166.18 per month to seek other employment effective July 17, 1988. Motion was made by Commissioner Duane Collard to accept and approve the Personnel Action Form for Daniel D. Lara, terminating his employment with Emery County. Motion was approved by all members present.

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Personnel Items, cont. . . .

C) Assessor's Office - Carol Burdick - Presented to the Commission was the Personnel Action Form for Carol Burdick who has resigned her employment with the Emery County Assessor's Office as a Deputy Assessor at a Grade 5, Step 8, or a salary of \$1,491.44 per month effective July 22, 1988. Whereupon, motion was made by Commissioner Duane Collard to accept and approve the Personnel Action Form for Carol

Burdick, terminating her employment with Emery County. Motion was approved by all members present.

D) Assessor's Office - Deputy Assessor - Presented to the Commission for their consideration was the Personnel Requisition Form for a Deputy Assessor at a Grade 5, Step 1 or a salary of \$1,176.00 per month to be filled immediately. This is to replace Carol Burdick who has resigned. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Requisition Form for a Deputy Assessor at a Grade 5, Step 1 or a salary of \$1,176.00 per month and to begin the recruitment process. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

E) Assessor's Office - Reappraisal Helper - Presented to the Commission for their consideration was the Personnel Requisition Form for a Reappraisal Helper to be paid at the rate of \$5.00 per hour as a temporary employee, noting that this person would be hired through the Fall while the weather is good to assist in the reappraisal program. It was further noted that presently under the Job Service JTPA program they have a person working in their office and he would like to continue to use them in this program if they are willing. Whereupon, motion was made by Commissioner Duane Collard to approve the same. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(12)

#### ROAD DEPARTMENT BUSINESS

Tom Humphrey from the Road Department came before the Commission noting that Road Superintendent Rex Funk was unable to be in attendance because of funeral services he is attending. Therefore, Mr. Humphrey informed the Commission as to the status of the Road Department and their projects. Wherein, the Commission advised Mr. Humphrey that the Road Department in the very near future should haul two trucks of gravel to the Pageant parking lots. Mr. Humphrey further requested Commission assistance in seeing that repair to the Road Department radios is made. He also inquired as to whether a member of the Road Department could receive the necessary training for installation and maintenance of the radios at an approximate cost of \$1,000.00. It was the consensus of the Commission that it would be better to expand the existing communication department to handle the work load at this time rather than to create another department.

Also presented was an additional requisition from the Road Department for a wet and dry vacuum.

(13)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:03 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:10 p.m. with all members present.

(14)

#### LIBRARY BOARD APPOINTMENTS

Commissioner Duane Collard presented the following names for Commission consideration for appointment to the Emery County Library Board: Claudia Marietti of Orangeville and Pat Faast of Green River. Whereupon, motion was made by Commissioner Duane Collard to approve the appointment of Claudia Marietti and Pat Faast to the Emery County Library Board. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(15)

#### JOHANSEN AND TUTTLE - PLAT SURVEY

Commission Chairman Clyde Thompson in follow up to a bill received from Johansen and Tuttle Engineering in regards to the plat surveys, indicated that he has requested clarification from Johansen and Tuttle for the services rendered thus far. He noted that it is for "surveying". Whereupon, motion was made by Commissioner Jerry Mangum to approve payment of the \$1,900 as requested and that it be included in the next Warrant Edit List. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(16)

#### TAX LIMITATION HEARING

The Emery County Commission discussed the need to hold a public meeting in the Courthouse to discuss the tax limitation initiatives which will appear on the November ballot. Said meeting will be for all interested individuals and the public to make them aware of what services will possibly be effected by the passing of such initiatives. It was the consensus of the Commission to set the date of July 28, 1988, at 7:00 p.m. in the Commission Meeting Room and to invite the members of the School District, the Castle Valley Special Service District, the Chamber of Commerce, Mike Petersen of the College Eastern Utah, Senior Citizen Groups and other interested individuals. The County Clerk is to send out invitations and post a notice in the Emery County Progress to invite all interested individuals.



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(17)  
BLM MINING AND GRAZING FEE INCREASE

Commission Chairman Clyde Thompson reviewed with the Commission the notice received from the BLM in regards to increasing the mining and grazing fees. It was the consensus of the Commission that County Economic Development Director Scott Truman prepare a letter in opposition to the increases on behalf of the Commission.

(18)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 1:29 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

August 3, 1988

Those present at the meeting were Commissioners Clyde Thompson, and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce Funk.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the June 20, 1988, Commission Meeting were reviewed. Motion was made by Commissioner Duane Collard to accept the minutes as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #882260 through and including #882383 for payment and also handwritten warrant #1069. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

(No requisitions were presented for approval.)

(3)

#### JOE'S VALLEY ROAD TO SANPETE COUNTY

Mr. Tristan DeMille of Jones and DeMille Engineering came before the Commission to advise them that the Sanpete County Commission is interested in pursuing improvements to the Joe's Valley Road on the Sanpete County side. They are requesting Emery County Commission consideration in improving approximately 2,500 feet of the same road on the Emery County side. Mr. DeMille noted that Emery County is currently receiving approximately \$102,000 in Federal aid secondary road money for improvements on such designated roads Sanpete County will use their appropriations for the year 1989 for improvements to the balance of the three-mile stretch of road. He further noted that improvements

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Sanpete County, cont. . . .

on the road would be required to meet Federal standards. Therefore, the widths would be increased considerably and the road surface would be well graveled. Mr. DeMille's purpose in coming before the Emery County Commission was to obtain input from them as to whether Emery County would be willing to participate. He noted that it would be on a 90% federal aid to secondary money with a 10% County commitment. This would amount to the County paying approximately \$4,000 to \$5,000. Commissioner Collard indicated that he felt such improvement would be a high priority to Emery County, particularly if Sanpete County is willing to participate. Therefore, it was the consensus of the Commission that Emery County would cooperate in the project.

(4)

#### OFF-HIGHWAY VEHICLES

Commission Chairman Clyde Thompson reviewed information he received, noting that Emery County needs to take a position in regards to off-highway vehicle use on roads in the County. It was his recommendation that the Commission look into the possibility of

making all roads open except as posted with maps being made available to the public. It was the consensus of the Commission that they review this further and obtain road maps of adjacent BLM and forest boundaries and consider this item at a later meeting.

(5)

#### AREA AGENCY ON AGING AGREEMENT

Reviewed with the Commission was an Interlocal Cooperation and Contract Agreement between the Southeastern Utah Association of Local Governments, Area Agency on Aging and the Emery County Commission. This covers the administration and support of the program effective July 1, 1988, through July 30, 1989. The Commission has had County Attorney Scott Johansen review the document. It was County Attorney Johansen's recommendation that the agreement be amended to reflect the 1989 funding to be based upon the 1989 budget process. This is in light of the possibility of the tax limitation initiatives passing and funding at this time for the year 1989 is uncertain. Whereupon, motion was made by Commissioner Duane Collard to approve the contract as amended. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(6)

#### NON-COUNTY EMPLOYEES RIDING IN COUNTY VEHICLES OR EQUIPMENT

County Attorney, Scott Johansen advised the Commission that in the February 18, 1987, Commission Meeting minutes, page 5, item 11D, in regards to the County policy of non-county employees riding in County equipment, he indicated that after further investigation, and checking with insurance agencies that spouses and others are insured. Whereupon, after discussion, motion was made by Commissioner Duane Collard to allow spouses and others as needed to ride with County officials and other employees, noting that the liability insurance does cover such occupants. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

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August 3, 1988

(7)

#### EMERY COUNTY LANDFILL - RONALD BARNEY

Mr. Ronald Barney, operator of the Emery County Landfill came before the Commission. He informed them that his agreement for operating the Emery County Landfill has expired and is desirous to know the intent of the Commission. He informed the Commission that approximately 28,000 cubic yards of material have been excavated for a new pit and any change in management of the landfill would require reimbursement to

him for those costs. He further advised the Commission that he is no longer able to secure liability insurance on the County landfill as a private operator. He indicated that he has contacted numerous insurance companies and was unsure as to how to proceed.

County Attorney, Scott Johansen, reviewed with the Commission the original agreement as it applied to the insurance and the termination and renewal of the agreement. Commissioner Duane Collard indicated that he has reviewed this with Commissioner Mangum who is over the landfill. They are both in agreement that if all is satisfactory, that at this time they would continue the agreement as provided for in the original agreement. Commissioner Collard requested that County Attorney Scott Johansen review the status of the County insurance program to determine whether County insurance had been cancelled when private operation of the landfill had taken over. Also, if the County could assume those costs and deduct it from the contract amount. County Attorney Scott Johansen further advised that in lite of the possible tax limitation issues, that a clause should be added to the agreement that would allow the Commission to reevaluate the County involvement in the landfill at the beginning of 1989.

Whereupon, it was the consensus of the Commission and was agreed upon by Mr. Barney that the County Attorney's office prepare a renewal agreement clarifying the liability insurance coverage and allowing Commission consideration as to the operation of the landfill should the tax initiatives on the November ballot pass.

(8)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 12:00 p.m. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:10 p.m. with all members present.

(9)  
PERSONNEL ITEMS

Emery County Personnel Technician Pat Snowball presented to the Commission for their consideration the following personnel action items:

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Personnel Items, cont. . . .

A) Richard Snowball - Resignation - Presented to the Commission for their consideration was the Personnel Action Form for Richard Snowball who is resigning as the custodian at the Ferron Library. Motion was made by Commissioner Duane Collard to accept and approve the Personnel Action Form for Richard Snowball who has resigned as the custodian at the Ferron Library. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

B) Patricia Radeke - Resignation - Also presented to the Commission was the Personnel Action Form for Patricia Radeke who has served as a Paralegal in the Attorney's Office who is resigning to relocate out of the area. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the resignation and the Personnel Action Form for Patricia Radeke.

C) Vicki S. Gist - Presented to the Commission for their consideration was the Personnel Action Form for the hiring of Vicki S. Gist of Ferron, Utah, to be hired as the Ferron Library Custodian at a salary of \$152.85 per month to work approximately 10 hours per week. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form hiring Vicki S. Gist as the Ferron Library Custodian at a salary of \$152.85 per month as a permanent part-time position working 10 hours per week. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

D) Teresa Manzanares - Attorney's Office - Presented to the Commission was the Personnel Action Form for Teresa Manzanares whose classification is being changed from that of a permanent part-time working 16 hours per week to that of a full-time status. Mrs. Snowball noted that this would fill the vacancy left by the resignation of Patricia Radeke. This would also be a change in grade and step from a Grade 7, Step 1 or a salary of \$7.57 per hour to a Grade 7, Step 5, or a salary of \$1,503.00 per month. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form changing the status of Teresa Manzanares from permanent part-time to full-time status at a Grade 7, Step 5, or a salary of \$1,503.00 per month. This was made with the condition that should such time come that she would request to go back to part-time, that the Commission would consider readjusting her salary. This is effective August 1, 1988. Motion was approved by all members present.

E) Gayla Luke - Transfer - Presented to the Commission was the Personnel Action Form for Gayla Luke of Orangeville who is transferring as the Chief Deputy Treasurer in the Treasurer's office to a Deputy Assessor in the Assessor's office. It was further noted that this would mean a reduction in salary. Chief Deputy Treasurer was at a Grade 6, Step 1, or a salary of \$1,243 per month and the Deputy Assessor is at a Grade 5, Step 2, or a salary of \$1,216 per month. It was requested by Mr. Fauver, who was also in attendance, that this be effective August 9, 1988. He indicated he would work with Emery County Treasurer Elaine Wilson as to the exact day of transfer.

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August 3, 1988

Personnel Items, cont. . . .

Mr. Fauver and Personnel Technician Pat Snowball further advised the Commission that this was an in-house transfer as allowed for in the Emery County Personnel Policy. This does, however, create the opening in the Treasurer's office of the position of Chief Deputy Treasurer. Consideration is presently given to an employee already in that office to see if they would consider the full-time position. If they were not interested, it would be requested of the Commission that consideration be given to approve the Personnel Requisition Form for a full-time Chief Deputy Treasurer.

Whereupon, motion was made by Commissioner Duane Collard to accept the Personnel Action Form for Gayla Luke, transferring her as a Chief Deputy Treasurer in the Treasurer's office to that of a Deputy Assessor in the Assessor's office, effective August 9, 1988, at a Grade 5, Step 2, or a salary of \$1,216 per month. Motion was also made to approve, if needed, the Personnel Requisition Form allowing for the outside recruitment through Job Service of a Chief Deputy Treasurer should the vacancy not be filled by other employees within the Treasurer's office. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(10)

UTAH POWER AND LIGHT LIGHTING AGREEMENT - HIGHWAY 10 SOUTH OF CASTLE DALE

Presented to the Commission for their consideration was the street lighting agreement for seven lights located on highway 10 south of Castle Dale. It was the consensus of the Commission that this item be held for the next Commission meeting in order to allow sufficient time for review by themselves and the County Attorney's office. This item is to be brought back at the next Commission meeting.

(11)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:08 p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

August 17, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:05 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the August 3, 1988, Commission Meeting were reviewed. Motion was made by Commissioner Duane Collard to accept the minutes as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #882398 through and including #882591 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented to the Commission for consideration:

Req. #	Item and Department	Cost	Action
37	4-drawer file cabinet w/ lock - Sheriff		164.00
Approved			
38	Used IBM Selectric II Typewriter - Assessor		395.00
Approved			
39	Packset for Comm. Mangum - Sheriff	605.00	
Approved			

August 17, 1988

Requisitions, cont. . . .

40	Siren, Siren Speakers, Lightbar, Light Set, Speaker for Lightbar, Headlight Flasher - Sheriff	1,344.89	Approved
41	Partisions - Assessor	700.00	Approved

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisitions as presented. Motion was approved by all members present.

(3)

### EMERGENCY 911 SERVICE

Mr. Keith Ware, Manager of the Emery County Farmers Union Telephone Association came before the Commission. He indicated that the Board of the Telephone Company has had sufficient interest and pressure to look into the feasibility of the emergency 911 service. He indicated that up to now this service has not been feasible due to the high costs. . However, now the costs for the computer and equipment have dropped to a point where it makes it become more practical for the County. He informed the Commission that the service would have to be owned and administered by a local governmental agency such as the County.

Mr. Ware indicated that the Green River and Huntington Telephone system, as presently installed, cannot accommodate the 911 service. First indications were that U. S. West had projected improvement to the Huntington area take place in approximately the year 1998. However, they have been advised that U. S. West is now looking at upgrading that system possibly in the very near future.

The 911 equipment consists of a couple of PC's possibly located in the Sheriff's office, together with two dispatchers during daytime hours and one during the night. Commissioner Collard indicated that the Sheriff's Department has a PC that might be of use in this service which would further reduce costs. Mr. Ware indicated that direct trunks or dedicated lines would also be required from each of the communities. Initial costs would be anywhere from \$25,000 to \$50,000 along with a substantial monthly cost. He further noted that legislature has allowed a .50\* per month surcharge for the expense of operating the system.

Commission Chairman Clyde Thompson inquired if there was grant money available for installation. Mr. Ware indicated that there very possibly could be.

The Commission also inquired if a letter could be written that would be beneficial in persuading U.S. West, who owns the phone facilities in Huntington and Green River, to upgrade their systems. The Commission gave unanimous support to a letter directed to



U.S. West, with a copy to the Public Service Commission encouraging them to upgrade their system to accommodate the 911 service. The Commission is supportive of the 911 service provided it can accommodate the entire County and sufficient funding can be obtained. They further asked that Mr. Ware keep them advised as to his study of the service.

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August 17, 1988

(4)  
SHERIFF'S BUSINESS

Emery County Sheriff Lamar Guymon came before the Commission to discuss the following:

A) Sally Port to be located on the North End of the Sheriff's Building - Presented to the Commission were plans for construction of a sally port. This would replace the existing sally port and also provide sufficient room for parking the crime lab vehicle. It was noted that insufficient monies are available to complete the project. Therefore, it was Sheriff Guymon's request that he be authorized to proceed with the footings, foundations and possible roof this year with the floors and bricks to follow next year. He noted that originally he had budgeted approximately \$12,000 which would cover this and approximately \$9,500 is remaining. After further discussion, motion was made by Commissioner Duane Collard to approve the preliminary construction of the sally port to be located on the north end of the Sheriff's building with cost not to exceed \$9,500 this year. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Radar Report - Sheriff Guymon reported to the Commission that the purchase of two new radars at an approximate cost of \$3,400 had paid for themselves in two shifts.

C) Purchase of EMT Pagers - Sheriff Guymon advised the Commission that through the sale of surplus and confiscated vehicles, he was requesting the money be used to replace the EMT's pagers. He indicated that he has approximately \$6,700. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the purchase of 20 pagers as requested for the EMT's. Motion was approved by all members present.

(5)  
JIM WHEAR - DUI PROGRAM

Mr. Jim Whear, Director of the Four Corners Mental Health, together with Evan Reid of the Adult Probation and Parole came before the Commission to further discuss the DUI

evaluation, education and rehabilitation program. Mr. Reid, on behalf of the Department of Corrections noted that his agency is unable to do DUI evaluations. Any evaluations done by his Department are strictly on criminal type matters. He further noted that any service performed by Four Corners Mental Health is not a duplication of work performed by their office. Mr. Whear indicated that of the assessed fine to those convicted, \$50.00 would be applied to an assessment, \$50.00 to education and up to \$300.00 for those needing rehabilitation. After further discussion, the Commission advised Mr. Whear and Mr. Reid that they would meet and discuss this further and come back with a consensus. The Commission expressed their appreciation for Mr. Whear and Mr. Reid coming before them.

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August 17, 1988

(6)  
ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk came before the Commission to discuss the following items:

A) Communication Equipment - Mr. Funk indicated that in the recent earthquake because of the media and all of their communication equipment, that he was unable to communicate with other department vehicles because the radio frequency had somehow become unprogrammed. It was his request that the Commission look into and approve the purchase of the necessary equipment at an estimated cost of \$1,800 which would enable someone locally to program the radios back to those frequencies used. This would save as high as two weeks in down time for communication equipment. Commissioner Collard indicated that he would look into the budget and consider the necessary equipment.

B) Out-of-State Travel - Mr. Funk requested permission for out-of-state travel to a supervisor's workshop set for October at Rapid City, South Dakota. Mr. Funk gave the reasons why it would be beneficial to him and the County. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the out-of-state travel for Rex Funk to attend the Region 8 Supervisor's Road Department Workshop in Rapid City, South Dakota. Motion was approved by all members present.

C) Purchase of a Weed Mowing Machine with Boom - Mr. Funk discussed the need to replace the existing weed mower in the Road Department. He indicated that he has solicited quotations from Nay Equipment Company from Richfield, Utah; Scott Machinery Company of Salt Lake City; and Peterson Tractor and Implement Company of

Midvale. Mr. Funk noted that he was much more partial to equipment made in the United States. After further discussion, motion was made by Commissioner Jerry Mangum advising Road Superintendent Rex Funk to proceed with soliciting local bids and report back to the Commission. Motion was seconded by Commissioner Duane Collard and approved by all members present.

D) Miscellaneous Items - Mr. Funk also asked the Commission to consider the Road Department getting into a program of shoulder spraying for weeds and possibly hiring a chemically certified person to fill that position. No action was taken. Also they discussed the recent purchase of a D-8 dozer, noting that it was previously approved and Commissioner Mangum indicated that Bill Pace from Ferron, Utah, has reviewed the equipment and run it through a number of tests and feels it is an excellent piece of equipment for the price.

(7)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 12:15 p.m. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1:20 p.m. with all members present.

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August 17, 1988

(8)

#### CASTLE DALE SWIMMING POOL FUNDING REQUEST

Lois Patterson came before the Commission, noting that George Stucki who had been scheduled was unable to be in attendance. She indicated that she is on the pool committee for Castle Dale and presented to the Commission the Pool's revenue and expenditure reports for the year 1987 and 1988. She noted that the pool has county-wide use and yet has been supported by Castle Dale funds. She further noted that the pool is typical of most swimming pools and that they constantly operate in the red. Her purpose in being before the Commission was to solicit financial help from the county. She indicated that they realize that until the tax limitation issues on the November ballot are determined, that the Commission cannot take any action at this time because of the uncertainty of funds. She indicated that they are also looking into solar heating of the pool as well as a pool cover. Mrs. Patterson along with Stuart Jensen, a Castle Dale Council Member, indicated that the pool is worthwhile and it would be important to keep it open. Their request would be for approximately \$10,000.

Whereupon, the Commission advised Mrs. Patterson and Mr. Jensen that they should make a request at budget time and leave that request in the Auditor's office by the end of September. After which the Commission would look at all requests at budget time. Therefore, no action was taken.

(8)

#### PERSONNEL ITEMS

Emery County Personnel Technician Pat Snowball presented to the Commission the following Personnel items:

A) Loralie Pearson - Chief Deputy Treasurer - Presented to the Commission by Mrs. Snowball and Emery County Treasurer Elaine Wilson, was the Personnel Action Form for Loralie Pearson to fill the position of Chief Deputy Treasurer. This position was left vacant by the transfer of Gayla Luke to the Assessor's Office. The reclassification of Mrs. Pearson to full-time has now created a 3/4 time position. The Commission, together with Elaine and Pat reviewed the applications for the part-time position. The applications having been received from Job Service. Whereupon, motion was made by Commissioner Jerry Mangum to approve the transfer of Loralie Pearson to the full-time position of Chief Deputy Treasurer at a Grade 6, Step 1, or a salary of \$1,243.00 per month, effective immediately. Motion was also made to authorize the hiring of Sylvia H. Nelson to fill the part-time position of Deputy Treasurer and authorize Emery County Treasurer Elaine Wilson to hire the second choice provided that Sylvia H. Nelson is not available or interested in the position at this time. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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August 17, 1988

Personnel Items, cont. . . .

B) Assessor's Office - Reappraisal Helper - The Personnel Action Form for a reappraisal helper to be paid at the rate of \$5.00 per hour was presented to the Commission. This item was approved in a previous Commission Meeting. Deborah Thompson has consented to take the position full-time, weather permitting, and that this Personnel Action Form is a confirmation of that action. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form confirming the hiring of Deborah Thompson as a Reappraisal Helper at the rate of \$5.00 per hour. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

C) Sheriff's Office - Scott Nelson Resignation - Presented to the Commission for their consideration was the Personnel Action Form for Scott Nelson of the Sheriff's Office for his resignation effective August 7, 1988. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form accepting the resignation of Scott Nelson. Motion was approved by all members present.

(8)

#### EMERY COUNTY MUSEUM

Wes Curtis, Chairman of the Emery County Economic Development Council, Scott Truman, Economic Development Director; and John Judd, Chairman of the Emery County Museum, met briefly with the Commission to discuss continued efforts in construction of the proposed County museum. Their concern was whether after construction of the building if sufficient funding would be there to keep it open. They noted that it would take approximately five years before it could be going sufficiently to pay for itself. Whereupon, it was the consensus of the Commission that those people involved in procuring funding for the construction of the museum to proceed, confirming it would be of a benefit to the County. Scott Truman is to prepare a letter for Commission signature to go to the Community Impact Board, indicating that the Commission gives their full support of the museum.

(9)

#### COURTHOUSE CONSTITUTION DISPLAYS

Emery County Clerk Bruce Funk presented to the Commission for their consideration the framing and displaying of replicas of the U.S. Constitution. These will be furnished to Emery County by the Court of Appeals for display in the Courthouse. He further noted that they require mounting and no funds are available. Wherein, Commission Chairman Clyde Thompson indicated that he would donate the framing and glass. Whereupon, it was the consensus of the Commission, that Commission Chairman Clyde Thompson be recognized for his contribution and that if funds be made available, that he be reimbursed for those expenses.

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August 17, 1988

(10)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:46 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

September 7, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 9:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the August 17, 1988, Commission Meeting were reviewed. Motion was made by Commissioner Duane Collard to approve the minutes as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #882592 through and including #882749 and handwritten Warrant #1070 through and including #1074 for payment. Motion was made by Commissioner Duane Collard to approve all Warrants for payment except the Warrant to Spillman until final acceptance of the Sheriff's Department computer hardware and software program is confirmed. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

The following requisitions were presented:

Req. #	Item and Department	Cost	Action
42	Hon Lateral File Cabinet - Road	199.00	Approved
43	Programmer for GE Radios - Sheriff	2917.00	Approved

Motion was made by Commissioner Duane Collard to approve the requisitions for payment. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(3)

### JOE'S VALLEY SUBDIVISION ROAD IMPROVEMENTS

The following came before the Commission to discuss road improvements in the Joe's Valley area: Jack Leonard, Jack World, Chris Diminti, Dennis Huff, Joe Ottoson, and Emery County Road Superintendent Rex Funk. Mr. Jack Leonard in addressing the Emery County Commission asked that the road in the Joe's Valley area be maintained by Emery County. He noted that approximately 100 families reside in the area, but the roads are receiving a lot of additional travel by outside people. He requested that sufficient monies be put in the County budget to maintain those roads and that the County commit to maintenance of the roads. He further indicated that people in the Joe's Valley area are willing to do their share. Mr. Chris Diminti then addressed the Commission, noting that other improvements have taken place within the County, but there have been no improvements in the Joe's Valley area. This includes no police patrol in the the past ten years and questioned what benefits they receive from their taxing dollar.

Whereupon, the Commission responded to a number of services that are provided to the residents as well as all residents of the County. Commissioner Duane Collard indicated that basically it is a subdivision and is somewhat of an informal town. Where in formal towns, taxes are raised and assessments made for road improvements within those boundaries. He further indicated that road improvements are planned in conjunction with Sanpete County up over the switchbacks. These are planned possibly for next year and the road improvements would be done on the road to Reeder Canyon at that time. It was the intention of the Commission to improve all County roads.

Road Superintendent Rex Funk discussed that there is only one mile in the Joe's Valley area that Emery County receives funding on all other roads are either private or forest. He noted that Emery County does not have agreements with the Forest Service on the majority of the roads, but Emery County has maintained those to the benefit of the residents as well as other users. Mr. Funk indicated that the repair of the road through Reeder Canyon was a high priority this year, but had to be delayed because of severely deteriorating conditions on other roads. It would appear from those in attendance, that the main road from the highway up in the direction of Reeder Canyon is of the greatest concern.

Wherein, Commission Chairman Clyde Thompson indicated that the County intended to patch and repair the main road and that next year they would gravel it to the hill. Whereupon, no further action was taken.

(4)

UTAH POWER AND LIGHT SERVICE AGREEMENT SOUTH OF CASTLE DALE

Motion was made by Commissioner Jerry Mangum to approve and sign the Street Lighting Agreement as prepared by Utah Power and Light covering the seven lights located on Highway 10 south of Castle Dale and adjacent to Utah Power

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Commission Minutes

September 7, 1988

Utah Power & Light, cont. . . .

and Light. Wherein, Emery County would pay for the electrical use and maintenance of those lights. Motion was seconded by Commissioner Duane Collard and approved by all members present. (This agreement is to take effect immediately.)

(5)

PERSONNEL ITEMS

Personnel Technician Pat Snowball presented the following personnel items:

A) Road Department Mechanic Replacement - Pat Snowball, together with Road Superintendent Rex Funk, presented the Personnel Action Form for the hiring of James E. Sherman to be hired as a Road Department Mechanic at a Grade 11, Step 1, or a salary of \$1638.00 per month. This is to replace Greg Daugherty who has officially resigned. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for James E. Sherman to be effective September 16, 1988. Motion was approved by all members present.

B) Road Department - John Powell Reclassification to Crew Leader - Also presented to the Commission was the Personnel Action Form for John Powell who is to be reclassified as a Crew Leader. Mr. Funk noted that Mr. Powell now has or will have completed using up his comp time as requested by the Commission prior to the reclassification. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action form of John Powell, reclassifying him from a Crew Leader at a Grade 13, Step 4 or salary of \$2,022.00 per month to that of a Crew Leader at a Grade 13, Step 5, or a salary of \$2,091.00 per month effective September 16, 1988. Motion was approved by all members present.

C) Green River Library Custodian - Presented to the Commission was the Personnel Action Form for Michelle Dumas to be hired as the Green River Library Custodian at a salary of \$152.00 per month for a total of 10 hours per week. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve



the Personnel Action Form for Michelle Dumas as presented. Motion was approved by all members present.

(6)

#### ROAD DEPARTMENT BUSINESS

A) Disposal of Surplus Property - Road Superintendent Rex Funk presented to the Commission for their consideration the Disposition from Fixed Assets Form to dispose of a 1974 D-8A dozer, serial #46A-31175, Emery County Fixed Asset #4321. It was Mr. Funk's request that this be sold to Utah Truck and Welding for the sum of \$6,500. Mr. Funk further noted that he has solicited bids from others, the highest offer he received prior to this one was \$6,000. Therefore, it was his recommendation that it be disposed of as proposed. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the disposition of the D-8A dozer to Utah Truck and Welding for a sum of \$6,500. Motion was approved by all members present.

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Commission Minutes  
September 7, 1988

Road Department, cont. . . .

B) Weed Mower - Mr. Funk advised the Commission he has solicited other bids from local equipment dealers. Mr. Funk discussed the bids with the Commission and presented to them a list of the same. He further indicated that he is requesting a four-wheel drive at this time. The Commission questioned the feasibility of purchasing a mower at this time of year. Wherein, they indicated to Mr. Funk that they would give this further consideration before making a decision.

(7)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard at 10:50 a.m. and proceed with the Board of Equalization for Real Property. Motion was approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

September 14, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m., noting that proper notice of the meeting had been given and that the purpose of the meeting was to consider the creation of an Emery County Special Service District No. 1.

(1)

INTENT TO CREATE EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1 -  
RESOLUTION 9-14-88

County Attorney, Scott Johansen, presented to the Commission Resolution 9-14- 88. This is a Resolution declaring that the Public Health Convenience and Necessity require the creation of a Special Service District defining the boundaries of said Special Service District and the services to be provided therein. Also to provide for a hearing on the said Special Service District and providing for notice of the hearing and related matters.

The Commission reviewed the need to establish this Special Service District which would be outside the boundaries of the Castle Valley Special Service District and boundaries of each municipality. It was noted that funds for this Special Service District would be received from Emery County's share of the Mineral Lease funds from the Utah Department of Transportation and the State P.I.L.T. funds. County Attorney Scott Johansen indicated that a date needed to be set for the hearing as well as establishing the name of the district. He indicated the types of services performed by the service district also needed to be included. It was the consensus of the Commission that in the creation of such a Special Service District that they would contract out services and would have no employees.

Whereupon, motion was made by Commissioner Jerry Mangum to set the name of the Special Service District to that of the Emery County Special Service District No. 1 and that the time for the Public Hearing on creating such special service district be set for October 12, 1988. The County Attorney's office is to proceed with publication of the notices including the boundaries which would be set outside those of the Castle Valley Special Service District, the municipalities of Clawson, Green River and Hiawatha Town. Transportation would be provided which would include roads, flood control and snow removal. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

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Special Commission Minutes  
September 14, 1988

(2)

## MEETING ADJOURNMENT

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to adjourn the meeting at 11:12 a.m. Motion was approved by all members present.

FOR CANVASS OF THE PRIMARY ELECTION OF SEPTEMBER 13, 1988

MEETING DATE SEPTEMBER 19, 1988

Those present at the meeting were Commissioners Clyde Thompson and Duane Collard; Clerk, Bruce C. Funk; and as Judges of Election for counting Absentee Ballots, Wendi Curtis and Julie Winn.

Commission Chairman Clyde Thompson opened the meeting at 12:00 noon for the purpose of canvassing the election results of the September 13, 1988, primary election, noting the absense of Commissioner Jerry Mangum.

There were no corrections made to the initial election results.

Absentee ballots reported as 17 received and 7 challenged, for a total of 10 counted, which were reported as voting district #99 on the official tabulation.

Therefore, the election results following the canvass, including all absentee votes, are as follows:

District	C. Oliver	R. Stringham	T. Christensen	J. Hales	
Emery		5	7		2013
Ferron So.		15	3		5411
Ferron No.		14	15		5832
Clawson			7	5	11 4
Orangeville		18	12		4812
Castle Dale W.			17	14	29 2
Castle Dale E.		10	8		44 3
Huntington E.		26	13		25 3
Huntington W.		31	7		27 5
Cleveland			27	5	--
Elmo			28	12	--
Green River		27	28	--	
Absent Voter		3	0		4 0
Totals	228	129	320	85	

Motion was made by Commission Chairman Clyde Thompson to accept the results of the official canvass and to declare the candidate receiving the highest number of votes for each office as the winner. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

The meeting adjourned at 12:21 p.m.

MINUTES OF  
THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

September 21, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the Agenda was made.

COMMISSIONERS MINUTES

The minutes of the September 7 Commission Meeting, September 14 Special Commission Meeting and September 19 Special Commission Meeting to canvass the Primary Election are to be held until the next Commission Meeting for review.

(2)  
AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented Warrant Edit List #882764 through and including #882949 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment including the Warrant held from the previous Commission Meeting in regards to Spillman for computer software and equipment for the Sheriff's

Department. Commissioner Collard indicated that everything is satisfactory as far as services provided. The motion was also included to hold the indigent claim to allow sufficient time for County Attorney Scott Johansen to determine if Emery County is responsible for burial of indigent. Motion was approved by all members present.

The following requisitions were presented for approval:

Req#	Item and Department	Cost Action
44	Forensio Science Books - Sheriff	249.00
Approved		
45	12 GE two-band radios - Road	5,424.00
Approved		

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Commission Minutes  
September 21, 1988

Auditor's Business, cont. ...

Motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)  
PUBLIC HEALTH BUDGET APPROPRIATION FOR 1989

Mr. Bob Furlow and Mr. Tom Roush, Board Members of the Southeastern Utah District Health Department, came before the Commission. Mr. Furlow informed the Commission that on September 29, 1988, an open house will be held in Castle Dale between the hours of 11:00 a.m. and 1:00 p.m. This is to better inform the citizens as to the Tax Initiatives and their impact on public health services. In responding to the Commission's letter in regards to a 50% reduction in County appropriations to the Health District, Mr. Furlow responded that this would result in a \$33,000 to \$34,000 decrease in funding to the Public Health District as a result of matching participation by State and Federal agencies. He indicated that general services would have to be cut both in administration and direct services to the public.

Mr. Furlow and Mr. Roush further discussed that any such reduction would result in a consolidation of the offices in San Juan County, reduce the clerical help in Price by one, reduce from three sanitarians to two serving the four counties, reduce the public

health nurses by one possibly in each County with the present being two in Carbon, two in Emery, two in San Juan and one and one-half in Grand County.

They further reviewed the possible program cuts. Also discussed were possible user fees. Mr. Tom Roush questioned the Commission if the funding for the Health District would remain the same based on 50% assessed valuation and 50% population or if there would be a change in the formula. Wherein, Commission Chairman Clyde Thompson responded that there appeared to be no change at this time and so the budget for 1989 would probably be the same as for 1988, with only minor increases, if any. Wherein, Mr. Furlow responded that the 1988 budget submitted was \$62,200 and that for the 1989 budget would be \$67,081. He noted that Emery County has been deficient in their participation in the past.

EMERY COUNTY NURSING HOME - HERITAGE CARE CENTERS, INC,  
ASSUMPTION-

Mr. John Bramal, Administrator of the Emery County Nursing Home, together with Mr. Randy Kurton, President of Heritage Care Centers, Inc., and Mr. Lewis Garrett, Vice President of Heritage Care Centers, Inc., informed the Commission that their purpose in being before the Commission was to assign the Emery County Nursing Home from Bonneville Health Services to Heritage Care Centers, Inc. Mr. Bramal noted that Bonneville Health Services has split and diversified, creating the Heritage Care Centers. Mr. Garrett then presented to the Commission the advantages of this change.

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Nursing Home, cont....

County Attorney Scott Johansen presented to Mr. Kurton and the Commission a copy of the consent wherein Emery County consents to the assignment of the management contract dated November 20, 1986, between Emery County and Bonneville Health Services, Inc., to Heritage Care Centers, Inc. He indicated that this assignment does not release Bonneville Health Systems, Inc., in the event that the assignee fails to keep the covenants contained in the original agreement.

Whereupon, motion was made by Commissioner Jerry Mangum to authorize the reassignment of the Emery County Nursing Home to Heritage Care Centers, Inc., and to authorize Commission Chairman Clyde Thompson to sign the letter of consent allowing for the same as discussed. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Mr. Randy Kurton discussed with the Commission the possible suit that the Nursing Home Association is considering filing against the State of Utah in regards to the calculation of Medicaid rates. He pointed out that it presently penalizes facilities such as the Emery County Nursing Home who are basically debt free as far as the indebtedness on the original facility. He further discussed the census outlook for the year 1990, noting that it looks very good for the operation of the nursing home. It appears there is a possibility of supporting approximately 46 patients and that the future looks good. Wherein, Mr. Kurton expressed appreciation to the Commission for being in attendance and their assignment of the original agreement to Heritage Care Centers, Inc.

#### BOARD OF EQUALIZATION FOR PERSONAL PROPERTY

Commission Chairman Clyde Thompson opened the meeting to the Board of Equalization for Personal Property at 11:00 a.m. Commission Chairman Thompson inquired if there was anyone present or if any comments had been received in regards to personal property. There were none, therefore, the Commission resumed the Regular Commission Meeting.

#### BUREAU OF RECLAMATION PUBLIC INFORMATION MEETING ON JOE'S VALLEY IN HUNTINGTON NORTH DAMS

Jay Henric, of the Provo Bureau of Reclamation operation and maintenance office, Laurel J. Pope, of the Utah Projects Office of the Bureau of Reclamation, and Mr. Ed Vidmar, of the Salt Lake Bureau of Reclamation came before the Commission to discuss the emergency preparedness plan for Joe's

Valley Dam and the Huntington North Dams. Other local interested individuals at the meeting were Jay Humphrey; Darrel Stuart, from the Forest Service; Eugene Johansen, representing Cottonwood Creek; Varden Wilson of HuntingtonCleveland Irrigation; Lamar Guymon, Emery County Sheriff's Department; Bret Mills, Civil Defense; Ina Lee Magnuson, Emery County Recorder; Elaine Wilson, Emery County Treasurer; Wes Curtis, Economic Development; Jim Fauver, Emery County Assessor; Rex Funk, Emery County Road Department Supervisor; Craig Johansen, Johansen and Tuttle Engineering; and Shanna Davis, Emery County Progress. They indicated this emergency preparedness plan was presented to local and state officials by the Bureau of Reclamation by Mr. Pope.

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BLM, cont....

The briefing provided information for those authorities responsible for warning and evacuating residents and notification procedures were outlined. Areas which could be effected by a possible flood were outlined on an inundation map for Joe's Valley; however, one was not presented for the Huntington North Dams as they did not present any real danger to the public. It was noted that this briefing was part of a nation-wide effort to develop and implement an emergency preparedness plan for all federal dams where failure could endanger human life or cause property damage. Although the structural soundness in Joe's Valley and Huntington Dam was not in question, the purpose is to make initial steps to formalize plans for emergency action.

(7)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:06 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:28 p.m. with all members present.

(8)  
JANICE WINN - CASTLE DALE SWIMMING POOL

Janice Winn came before the Commission requesting funding for the Castle Dale swimming pool. She requested Commission consideration for the County to take over and operate the pool, noting that it has County-wide use. Wherein, the Commission reviewed the past history of the pool as to why they have been unable to assume responsibility for said operation in the past. Also submitted was a summary of the pool use by various communities and information regarding other pools within the State of Utah. She noted that most of the pools operate in the red. Mrs. Winn indicated that there was a petition signed by the public supporting the pool; however, the petitions are somewhat misleading in that it was for year-round operation of the pool. Therefore, the petition was not submitted to the Commission.

Whereupon, Commission Chairman Clyde Thompson re-emphasized that their request from the previous meeting that the pool board submit a budget to the Emery County Auditor's office. Their request would then be considered at budget time.

(9)  
911 EMERGENCY PHONE NUMBER

Mr.Keith Ware, Administrator of the Emery County Farmers Union Telephone Association, together with Wes Curtis, Board Member, came before the Commission. Mr. Curtis addressed the Commission, noting that he has talked with Mountain Bell to see what they could do in regards to upgrading the services in Green River and Huntington. He indicated that he had not received any encouragement, but that Mountain Bell would consider installing the 911 service for the County which appeared to be more



costly than if done by Emery County Farmers Union Telephone through the Sheriff's office.

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911, cont....

After further discussion, it was the consensus of the Commission that the Public Service Commission needs to be approached in regards to and emphasizing that Mountain Bell must upgrade the services in Huntington and Green River to allow for the eventual installation of a 911 emergency service. The Commission indicated that such efforts also need to be initiated by the citizens or other organizations. At that time, the future upgrade will be considered.

#### LEASE OF COAL PROPERTIES OWNED BY EMERY COUNTY - RICHARD DEAN

Mr. Richard Dean came before the Commission proposing to lease the mineral rights on properties owned by Emery County in the area north and east of Emery. He presented to the Commission and County Attorney Scott Johansen for their consideration a lease agreement providing for a lease of \$1.00 per acre per year with a 6% royalty. The agreement terminates in five years if the interested party purchasing the properties fails to initiate the production within the five-year period. Mr. Dean indicated that according to his calculations, there is approximately 60 million tons of coal. It is expected that mining would begin within five years, at a production rate of 1 million tons per year. This could result in a substantial income to Emery County. It was the consensus and request of the Commission that Mr. Dean leave the paperwork with County Attorney Scott Johansen for his review and the Commission would reach a decision possibly by next week.

#### ROAD DEPARTMENT BUSINESS

A) Radio Purchases - Road Superintendent Rex Funk discussed with the Commission the need to replace the crystals in the old Road Department radios at an approximate cost of \$165.00 each. They are in need of having 12 units done. Commissioner Collard indicated that he has discussed this with Bret Mills of the Communications Department. Mr. Mills indicated that the radios are not worth spending that much money on and the Road Department would be better off to purchase new radios. After further discussion, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the purchase of 12 radios from the Road Department budget for their use. Motion was approved by all members present.

B)Gravel for Miller's Canyon - Mr. Funk, together with Commissioner Jerry Mangum, discussed with the Commission the need to purchase gravel for Miller's Canyon. They indicated that gravel is available from Lloyd Jensen of Emery. Whereupon, the Commission authorized Mr. Funk and Commissioner Mangum to negotiate with Mr. Jensen an acceptable purchase price.

C)Other Business - Mr. Funk also discussed with the Commission a road right of way application that is being submitted to the BLM for realignment in the Buckhorn Wash area. Also discussed was the weed mower, wherein it was the consensus of the Commission that Road Superintendent Rex Funk meet together with Commissioner Mangum and visit several locations where the requested

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Road Department, cont. ...

equipment is in operation. They are to bring back a recommendation to the Commission as to the feasibility of purchasing the tractor-operated mower. It was noted that a weed or a brush cutter would possibly be much less expensive and more feasible for what is to be cut along the roadside.

#### SHERIFF'S BUSINESS

A)Ambulance Purchase - Emery County Sheriff Lamar Guymon discussed with the Commission the need to purchase a new ambulance for the Green River area. He noted that \$21,000 had been budgeted in this year's budget. He indicated that a grant is available for \$15,000 from the State to assist in the purchase of a new ambulance. The cost for a new ambulance is \$53,000. Therefore, Emery County is short approximately \$18,000. It is anticipated that the cost would increase another \$5,000 to \$7,000 next year. Therefore, it would be better if they were to place the order now. County Attorney Scott Johansen reminded the Commission that because of the Tax Anticipation Note that Emery County could not participate in a lease purchase agreement as we cannot ensue anymore indebtedness. Whereupon, it was the consensus of the Commission that Sheriff Guymon work together with Commissioner Duane Collard to determine if the ambulance could be purchased on an open account or some other possible means where the order could be placed this year. They are to work together with County Attorney Scott Johansen and proceed with ordering the vehicle this year at the \$53,000 price.

#### ATTORNEY'S BUSINESS

Emery County Attorney Scott Johansen informed the Commission that he would be in meetings in Salt Lake on September 22, noting the employment law schooling session is also scheduled that same day. He indicated there would be a cost of \$100.00 for the meeting and materials. It was the consensus of the Commission that County Attorney Scott Johansen investigate the meetings and that he be authorized to attend at his discretion.

#### OTHER BUSINESS

A)Gravel Pit - Commission Chairman Clyde Thompson indicated that he has received a notice from the BLM that Ames have applied for a gravel pit on BLM property in Emery County. Wherein the Commission had no objections and therefore, no response was necessary.

B)Local Hazard Maps - The purchase of these maps for the State of Utah was discussed. These are at a cost of \$6.00 with other maps being available later. It was the consensus of the Commission that Commission Secretary Pat Snowball order some for the County.

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#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:25 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

#### HELD IN THE EMERY COUNTY COURTHOUSE

October 5, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the Agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the September 7, September 14, and September 19, 1988, Commission meeting were reviewed. Motion was made by Commissioner Duane Collard to accept the minutes as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

The minutes of the September 21, 1988, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to accept the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #882991 through and including #883111 and handwritten Warrant #1075 for payment. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisition was presented to the Commission for consideration:

Req. #	Item and Department	Cost	Action
46	Two Honda 300 four-wheelers - Sheriff		
6,210.00	Approved		

Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the requisition for purchase. Motion was approved by all members present.

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(3)

CASTLE COUNTRY TRAVEL COUNCIL BOARD APPOINTMENTS

Thelma Jones, Executive Director of the Castle Country Travel Council, came before the Commission regarding the reappointment of three of the Travel Council's Board Members. She indicated that the terms of Board Members Dan Hunter, of Huntington, Jeff Newland, of Green River, and Blaine Luke, of Green River, would expire on or about October 30, 1988. It was the recommendation of the Travel Council Board that these board members together with staff members Thelma Jones, who serves as the Executive Director, and Vena Tryon, as secretary, be submitted to the Commission for reappointment for another four- year term.

Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to re-appoint Board Members Dan Hunter, Jeff Newland and Blaine Luke and staff Thelma Jones and Vena Tryon to the Castle Country Travel Council as recommended. Motion was approved by all members present. Effective date is approximately November 1, 1988.

(4)

#### TREASURER'S BUSINESS - SEASONAL HIRE

Emery County Treasurer Elaine Wilson requested permission of the Commission to hire two temporary seasonal employees to work in the Treasurer's office. It was anticipated that they would be needed on approximately November 1, 1988, and the exact hiring date and number of individuals would be determined later. Whereupon, motion was made by Commissioner Jerry Mangum to authorize Emery County Treasurer Elaine Wilson to proceed with the hiring of two temporary seasonal employees to help in the Treasurer's office according to the needs therein. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(5)

#### ASSESSOR'S OFFICE PERSONNEL RECLASSIFICATIONS - CAROL RIDDLE AND DIXIE SWASEY

Emery County Assessor James Fauver together with Personnel Technician Pat Snowball presented to the Commission proposed reclassifications for Carol Riddle and Dixie Swasey. They are presently classified as Deputy Assessor's and are to be reclassified as Appraisers, effective January 1, 1989, contingent upon the passage or defeat of the tax initiatives. This would reclassify Dixie Swasey from a Grade 5, Step 5, or a salary of \$1,347.00 to a Grade 7, Step 2, or a salary of \$1,358.00. Carol Riddle would be reclassified from a Grade 5, Step 1, or a salary of \$1,172.00 to a Grade 7, Step 1, or a salary of \$1,313.00. After further discussion, motion was made by Commissioner Duane Collard to table the request and allow sufficient time for the employees committee to evaluate the personnel classifications and make a recommendation to the Commission. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)  
EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1

Emery County Attorney Scott Johansen, at the Commission's request, reviewed the purpose of the public hearing set for October 12, 1988, at 10:00 a.m. in the Commission meeting room. Mr. Johansen further advised the Commission that at the conclusion of the public hearing, the Commission could take formal action in a motion to proceed with the creating of said Special Service District. Mr. Johansen recommended that the Commission look further into how State Mineral Lease monies and PILT monies are disbursed to assure that Emery County receives those funds that they are entitled to receive. Whereupon, it was the consensus of the Commission that County Attorney Scott Johansen look into the formulas and the distribution of those funds and report back to the Commission.

(7)  
COURTHOUSE CUSTODIAL CONTRACT - INCREASE REQUEST

Mr. Dennis Fuller presented to the Commission by letter a request that he receive a 3% increase. Mr. Fuller noted that he was requested earlier by the Commission and Emery County Auditor Karen Truman to submit the request. Presently, his wages are approximately \$2,000 per month which would amount to a total of \$60.00 per month increase. Commission Chairman Clyde Thompson expressed appreciation to Mr. Fuller for submitting the request, noting that this would be taken through the budget process and discussed at that time. Any change would not be effective until January 1, 1989. Also presented to Emery County Auditor Karen Truman was a copy of the same for her preparation in submitting the budget to the Commission.

(8)  
VAL YOUNG - CASTLE VALLEY SPECIAL SERVICE DISTRICT CONTRACT  
Mr. Val Young came before the Commission in regards to the Castle Valley Special Service District. He indicated he had recently bid on the sandblasting and painting of the Orangeville Water Tank. The bid opening had been held and the bid was awarded to an outside contractor. Mr. Young noted that his bid was only 3% higher than the other firm. He felt that preference within reason should be given to local contractors as local tax payers are paying for the costs and supporting the Castle Valley Special Service District. It was his request of the Commission that they discuss this matter further with the Castle Valley Special Service District to see what can be done to avoid this in the future.

The Commission informed Mr. Young that the Board of the Castle Valley Special Service District operates independently of the County Commission and has a separate governing board. They indicated to Mr. Young that he and other local contractors should

address these concerns before that board. They further recommended that Mr. Young review this with County Attorney Scott Johansen. Commissioner Duane Collard would also look into the matter to determine if Emery County procurement ordinances can give any preference to local contractors or suppliers.

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(9)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 11:58 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:15 p.m. with all members present.

(10)  
EMERY COUNTY LANDFILL

Emery County Attorney Scott Johansen reviewed with the Commission the changes in the contract on the landfill wherein the present operator is unable to obtain liability insurance. He noted that liability insurance to be provided by the operator has been deleted out of the agreement and a cost has not been established for Emery County to continue insurance for the landfill. This is because of the blanket liability coverage, no exact dollar value can be set as to the landfill, and therefore, he requested direction of the Commission.

Whereupon, because of the contract extension would go only until December 31, 1988, and in lieu of the uncertainty of the outcome of the tax initiatives, and the inability to establish a cost, it was the consensus of the Commission that no action be taken at this time and that the present agreement be left.

(11)  
ASSESSING AND COLLECTING TAXES COOPERATIVE AGREEMENT

Emery County Attorney Scott Johansen presented to the Commission a Cooperative Agreement on assessing and collecting taxes between Emery County and other Utah counties. Whereupon, motion was made by Commissioner Jerry Mangum to authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(12)

ROAD DEPARTMENT BUSINESS

A) Purchase of the Allis Chalmers Bulldozer - Road Superintendent Rex Funk indicated to the Commission that he has not received a billing from the Wayne County Commission for the purchase of the Allis Chalmers bulldozer, #HD-21, which was approved for purchase at a cost of \$13,000. Wherein, motion was made by Commissioner Jerry Mangum to authorize Road Superintendent Rex Funk to prepare a warrant and authorize the Emery County Auditor to prepare a check for submission to the Wayne County Commission in the amount of \$13,000. This will represent payment in full on the Allis Chalmer bulldozer. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

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Road Department, cont. . . .

B) Terry Heaton Emergency Leave - Rex Funk discussed with the Commission the need to prepare an agreement for Terry Heaton who has run out of sick leave because of emergency medical reasons. This would allow him to reimburse Emery County for additional sick leave and would also enable him to retain the insurance benefits. He further advised the Commission that Mr. Heaton while on the job sight had damaged a leg brace. The Road Department has contacted workmens compensation as well as the insurance company. They have indicated that they would not pay for the costs of the repair to the brace which is approximately \$255.00. After further discussion, it was the consensus of the Commission that County Attorney Scott Johansen prepare a draft agreement for Terry Heaton wherein he would reimburse Emery County for sick leave days taken as emergency leave and that he investigate further into why workmens compensation denied the claim for repair of Mr. Heaton's leg brace. Mr. Johansen is to advise the Commission before they make a decision as to possible assistance in this matter.

C) Disposal of Surplus Property - Presented to the Commission was a disposition form for disposing of a 1968 Mac 10-wheel chassis, serial #U609LST3737, Emery County fixed asset #4224. Commissioner Mangum informed the Commission that there were other parties possibly interested in the chassis. Therefore, it was his recommendation that Emery County receive bids on this item or that it be disposed of by private sale only after interested parties have been contacted. Whereupon, motion was made by Commissioner Duane Collard to approve the disposal of the Mac chassis as presented and discussed. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.



D) Weed Mower - Also discussed with the Commission was the weed mower which has been discussed in previous Commission meetings. Mr. Funk noted that he and Commissioner Mangum had inspected the equipment which is in use in Price and is highly recommended. He noted that he has received bids now from Peterson Tractor for the equipment in the amount of \$36,618.00. He noted that he has deleted the four-wheel drive at this time and would much prefer a cab. He further indicated that Scott Machinery has submitted a bid for a John Deere Tractor with the mower attached for a total cost of \$31,888.00. Whereupon, it was the consensus of the Commission that this item be brought back at a later time for further consideration.

(13)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:40 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

#### HELD IN THE EMERY COUNTY COURTHOUSE

October 12, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

(1)

#### PUBLIC HEARING - CREATION OF THE EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1

Commission Chairman Clyde Thompson opened the Public Hearing at 10:00 a.m., explaining that the purpose of the meeting is to receive public comment on the Emery County Commission's intent to create the Emery County Special Service District No. 1. It was noted that the Emery County Clerk's office had received at this time one written protest from Dixon S. Huntington, dated October 10, 1988, in opposition to creating the same. Those present at the meeting were: Darrel Leamaster, Vern Leamaster, Dorr Hansen, Wes Curtis, Scott Truman, James Fauver, Tom Humphrey, Karen Truman, Mark Tanner, Wayne Horscroft and Mar Grange.

Commission Chairman Clyde Thompson gave a brief explanation as to the need for creating the new Service District in that Emery County is entitled to receive mineral lease monies. He indicated the Commission has been involved in pursuing these funds for over three years. A new district is required that does not overlap an existing service district which provides the same services or functions. The new district will have a separate governing board outside the Emery County Commission. Otherwise, the County could jeopardize receipt of PILT monies. The purpose and

function set forth at this time for the new service district is for road maintenance, which includes snow removal. The governing board would serve the function of contracting with the Emery County Road Department or other agencies for those services.

County Attorney Scott Johansen noted that although the authority exists in the Board of the new service district, no mil levies or taxes are anticipated at this time. Mr. Mark Tanner inquired as to the amount of roads presently under the County road program and if this would reduce County budgets. As to his question regarding how the board would be selected and their salaries, the Commission responded that they anticipated that it would be a seven man board and they would be reimbursed for expenses only, as is similarly done in the Castle Valley Special Service District.

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Public Hearing  
October 12, 1988

Mr. Wayne Horscroft noted that it appeared to be a duplication of services by creating such a service district in that this would be the fourth road maintenance department within the boundaries of Emery County. He also expressed concern that no assurance could be given that in the future no taxes would be assessed. He further expressed appreciation to the Commission in their efforts in bringing these mineral lease monies back to the counties of origin.

Mr. Darrel Leamaster, Administrator of the Castle Valley Special Service District, speaking in behalf of the Board, submitted to the Commission a letter dated October 11, 1988. The letter outlines the Castle Valley Special Service District Board concerns, emphasizing that they are not opposed to the creation of a new service district. Their main concerns are that cities are excluded and that the Castle Valley Special Service District should be considered as the governing agency. He further noted that there are technical problems in the boundaries as described.

Mr. Tom Humphrey, of the Emery County Road Department inquired as to the impact this would have on the present County Road Department and how differences would be resolved.

Commission Chairman Clyde Thompson inquired if there were others who wished to express comments. There being none, he closed the public hearing with notice given to all present that there remains 15 days for written comments or until 5:00 p.m. October 27. On November 2, 1988, the Emery County Commission will consider action on the intent to create the Emery County Special Service District No. 1.

(2)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 11:12 a.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

HELD IN THE EMERY COUNTY COURTHOUSE

October 19, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce C. Funk.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the October 5, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #883126 through and including #883284 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented to the Commission:

Req. #	Item and Department	Cost	Action
47	19" Color Television and VHS Video Cassette Recorder - Circuit Court	699.00	Approved

Motion was made by Commissioner Jerry Mangum to approve the requisition for payment. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)  
RECORDER'S BUSINESS - ACCEPTING OF RESURVEY PLATS - RESOLUTION  
10-19-88A

Emery County Recorder Ina Lee Magnuson presented to the Commission the completed resurvey plats as done by Johansen and Tuttle Engineering, together with Resolution 10-19-88A, wherein describing the boundaries of those sections

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Recorder's Business, cont. . . .

involved in the resurvey. Motion was made by Commissioner Jerry Mangum to accept the plats and Resolution 10-19-88A, authorizing Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Mrs. Magnuson also presented to the Commission for their inspection a reproducible sepia drawing of the Goblin Valley State Park boundaries survey and also BLM resurvey plats. She indicated that these would be put on file in the Recorder's office.

(4)  
EMERY COUNTY NURSING HOME - COURTHOUSE - ROOF REPAIRS

Commissioner Jerry Mangum reviewed with the Commission the condition and status of the roof on the Emery County Nursing Home, noting that he has received two bids for repair of the roof at this time and that consideration needs to be given for funding those costs. It was his recommendation that the Commission consider at this same time also the repair work on the Courthouse roof. Commissioner Mangum indicated that the Nursing Home has received substantial damage as a result of recent storms and that work needs to proceed in the very near future. It was the consensus of the Commission that Commissioner Mangum look into this further and proceed and make recommendations back to the Commission as to the renovating of the roof as well as interior walls and floors of the Nursing Home. The Commission would further consider the Courthouse roof at the time the Nursing Home is done.

(5)  
ROAD DEPARTMENT BUSINESS

A) Terry Heaton - Employee Annual Leave Donation - Resolution 10-19-88B - Presented to the Commission for their consideration was Resolution 10-19-88B. This Resolution, in this situation only, will allow employees of the Road Department who wish to donate time from their own annual leave banks to Terry Heaton. This in no way sets any precedents or obligation to any other County employees now or in the future to donate to the same or similar causes and that future situations would be considered separately. Also included was the employee authorization which allows the auditor's office to transfer annual leave from participating employees banks to Terry Heaton.

Whereupon, motion was made by Commissioner Jerry Mangum that approval be given to Resolution 10-19-88B which authorizes the transfer of annual leave to Terry Heaton and that the Commission not be under future obligation to do the same. It was suggested that efforts be made to clarify and resolve the problem so that Emery County will have an established policy which would cover extended illness. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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Road Department, cont. . . .

B) Disposal of Surplus Property - As discussed in the previous Commission meeting of October 5, 1988, item 12C, Road Superintendent Rex Funk inquired of the Commission as to how to proceed with disposal of the Mac 10-wheel chassis. Commissioner Mangum indicated that he has checked with other parties who originally were presumed to be interested and they now express no interest. Therefore, he authorized Road Superintendent Rex Funk to dispose of the chassis to any interested party.

C) Other Business - Mr. Funk updated the Commission as to the progress of graveling the roads in the Joe's Valley area. He noted that they are graveling the road to the Emery County Jeep Posse building in that area. He further noted that Co-Op Mining has requested that clarification be given as to County ownership of the 3/10 mile road in Trail Canyon. It was the consensus of the Commission that this be resolved along with resolving the Rilda Canyon Road ownership. Therefore, Mr. Funk was asked to pursue this further with Mr. Owens of the Co-Op Mining Co.

(6)  
GARFIELD COUNTY - BURR TRAIL LEGAL FEES

Commission Chairman Clyde Thompson reviewed a letter he received from Garfield County in regards to the approximate \$5,000 that Emery County had contributed to their fight for the Burr Trail road improvements. Garfield County Commission is inquiring if the Emery County Commission would allow them use of the unused portion of the money

to make a video documentary on roads in Southeastern Utah. Wherein after discussion it was the consensus of the Commission that these funds be returned and applied to Emery County's share of legal fees for present law suits in over assessing and collecting of taxes and/or the valuation of State assessed properties.

(7)

#### STATE TAX COMMISSION - CONTRACT

Commissioner Duane Collard reviewed with the Commission a contract he received from the Utah State Tax Commission for Commission signature. This contract covers the costs of sending out the vehicle registration, etc., wherein Emery County would be obligated to pay more than 50% of the cost of the forms and all of the postage. Commissioner Collard expressed concern as to the equity of the agreement. The alternative would be to have Emery County come up with their own system or wait until the Utah Association of Counties meetings in St. George in November and negotiate further with Barry Conover of the Tax Commission. Commissioner Collard suggested that the State Tax Commission be responsible for paying at least 1/2 of the postage and 1/2 of the cost of the forms. It was the consensus of the Commission that this item be held until the Commission meets in St. George to discuss this further and come back with a recommendation.

Page Four

Commission Minutes

October 19, 1988

(8)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:05 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

November 2, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the Agenda was made.

#### COMMISSIONERS MINUTES

The minutes of the October 12, 1988, Special Meeting of the Board of Emery County Commissioners were reviewed. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the minutes as presented. Motion was approved by all members present.

The minutes of the October 19, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

#### AUDITOR'S BUSINESS AND TENTATIVE BUDGET

Emery County Auditor, Karen Truman, presented Warrant Edit List #883285 through and including #883407 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission approval:

	Item Department	Cost	---	Action
48	Two typewriters - Sheriff	360.00		Approved
49	Two IBM PC Computers, four 20-meg hard drives and four Okidata printers - Sheriff	4,105.70		Approved
50	Ammunition - Sheriff	2,122.73		Approved

Commission Minutes  
November 2, 1988

Requisitions, cont.

	Item and Department	Cost	Action
51	File cabinet - Sheriff	390.00	Approved
52	Field glasses, flashlights, and radar - Attorney	4,900.00	Approved
53	Ambulance - Ambulance	35,000.00	Approved
54	Trailer - Sheriff	1,500.00	Approved
55	Color Television - Sheriff		Approved

Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve all requisitions for purchase. Motion was approved by all members present.

Auditor, Karen Truman presented to the Commission the tentative Emery County General Revenue and Expenditure Budgets for their review. She indicated that a public hearing is scheduled for December 7, 1988, at 2:00 p.m. in the Commission Chambers.

(3)

BEAR CANYON CAMPGROUND REVENUE AND EXPENDITURES - TOM BELL

Emery County Clerk Bruce C. Funk presented to the Commission the Revenue and Expenditures for the Bear Canyon Campground for the year 1988. He indicated that the beginning year balance in the checking account was \$3,818.50. The pavilion rentals and clean-up amounted to \$5,166.50 and campground rentals, these primarily received by Tom Bell, who is caretaker of the campground, amounted to \$1,009 for the year 1988. Disbursements were in the amount of \$153.25 due to cancellations and \$1,707.00 for the refund of cleaning deposits. This leaves a total of \$8,133.75 in the checking account. Transferred to the Emery County General Fund was \$8,100.00. Of that amount, \$3,800 was for the year 1987 and \$4,800.00 for 1988. This leaves a balance in the checking account of \$33.75.

The Commission expressed appreciation to Mr. Tom Bell in his caring for the campground. They recognized the increased revenue received by his efforts and the additional time spent by him and his wife in making improvements and caring for the park.



(4)

CREATION OF THE EMERY COUNTY SPECIAL SERVICE DISTRICT NO.  
1 - RESOLUTION 11- 12-88A

Emery County Attorney, Scott Johansen reviewed with the Commission the procedure which has been followed to this point in considering the creation of the Emery County Special Service District No. 1. He indicated that his purpose in being before the Commission at this time was to present Resolution 11-02-88A. This Resolution establishes said district and authorizes construction of improvements as set forth in the Notice of Intention to Create the district and to appoint an administrative control board for the district.

Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve and authorize Commission signature of Resolution 11-02-88A, establishing the Emery County Special Service District No. 1 and its administrative board made up of one Emery County Commissioner and four appointed Board Members. Motion was also made to authorize construction of improvements. The present Resolution amends the original boundaries to exclude all boundaries of the Castle Valley Special Service District as requested in the Public Hearing on October 12, 1988. Motion was approved by all members present.

(5)

COAL LEASE AUTHORIZATION FOR SIGNATURE

Emery County Attorney Scott Johansen requested that upon his review and completion of the Coal Leases that Commission Chairman Clyde Thompson and the County Clerk be authorized to sign them in order to expedite the request by the Coal Lessors. Whereupon, motion was made by Commissioner Jerry Mangum to authorize Commission Chairman Clyde Thompson to sign the Coal Lease Agreements upon final review and approval of the County Attorney's office. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)

SHERIFF'S BUSINESS

Emery County Sheriff Lamar Guymon, together with Commissioner Duane Collard reviewed the Sheriff's Department request for a drug enforcement dog. He noted that the anticipated cost for the dog would be \$4,500. This would include six weeks training for the dog and an additional four week training for the dog and the handler, who would be Martin Wilson.

County Attorney Scott Johansen pointed out the concerns he had with the original contract and agreement were in regards to the guarantee as to how the dog performed and any liability that Emery County be responsible for while the dog is in training, along with any liquidated damages. After further discussion, motion was made by Commissioner Duane Collard to authorize the signing of the contract and purchase of the training dog

after the County Attorney's office has called the supplier/trainer and cleared up any questions as to the County's liability. Motion was also made to authorize Martin Wilson of the Sheriff's Department to receive four weeks of training with the dog as a handler. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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November 2, 1988

(7)  
ASSESSOR'S BUSINESS

Emery County Assessor James Fauver presented to the Commission the following names, requesting that the Board of Emery County Commissioners authorize adjustments to the following properties as specified:

Morris Sherrill - Serial #01-0255-0035  
George Bell - Serial #01-0238-0017  
A. G. Kinder - Serial #01-177b-0019  
Willy Sepulveda - Serial #01-151H-0007  
James Holcomb - Serial #01-078A-0013  
Ray Sherrill - Serial #01-151A-0010  
Leo Dumas - Serial #01-0151-0004  
Ray Sherrill - Serial #01-154B-0030  
Stanley Jensen - Serial #01-003B-0002  
Verda Fraley - Serial #01-0162-0001  
Ray C. Grange - Serial #01-0194-0033  
Patsy H. Grange - Serial #01-0194-0037  
David Huntington - Serial #01-0247-0028  
Bigelow Motel - Serial #01-151F-0008  
Mine Hydraulics - Serial #01-0001-0017  
Edna Burgess - Serial #01-171A-0010

Mr. Fauver indicated that some of these properties were assessed in error because of computer error and improper evaluation. He recommended that these adjustments be made under Section 59-2-1321, entitled "Erroneous or Illegal Assessments" as allowed for under the Utah Code. Whereupon, after further review, motion was made by Commissioner Duane Collard to approve the requested changes and authorize the Assessor to make the changes on the property. Motion was also made to allow the County Treasurer to make those adjustments before payment of taxes. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(8)

## PLANNING AND ZONING BUSINESS

A)Michael L. Blades - Auto Salvage Yard - Acting zoning Administrator James Fauver - presented to the Commission a request from the Planning and zoning Board as it relates to Michael L. Blades. Mr. Blades has filed an application for an auto salvage yard. Mr. Fauver noted that on October 19, 1988, the Planning Commission recommended approval of the salvage yard with the following conditions: 1) a six-foot blind fence be installed; 2) burning of waste and debris not be permitted; 3) only auto and farm machinery salvaged; 4) no household, toxic or hazard waste may be on the site; 5) proper and safe access must be maintained by the developer; 6) all waste materials must be contained within the site; 7) all local, State, Federal and Department of Health regulations are complied with - non-compliance would result in the immediate closure of the site until conditions are corrected; and 8) payment of all

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November 2, 1988

Planning and Zoning Business, cont. ...

applicable fees and expenses have been made. Whereupon, motion was made by Commissioner Jerry Mangum to approve the zoning request as presented and that Michael L. Blades be allowed to operate a salvage yard based on the conditions as specified. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B)Zoning Resolution Changes - Acting Zoning Administrator James Fauver presented to the Commission for their consideration recommendations from the Emery County Planning Commission. The Planning Commission has requested that the Board of County Commissioners set a time and a date for a public hearing to discuss the following topics: 1) Irrigation water restriction; 2) Culinary water; 3) Lot size (now restricted to ten acres); 4) Adoption of building code; and 5) Commercial and industrial zone. After further review, it was the consensus of the Commission that before a Public Hearing is set on this matter that they be allowed sufficient time to consider this request and decide if this is the direction which would be beneficial to the residents of Emery County.

(9)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:15 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1 :33 p.m. with all members present.

## ROAD DEPARTMENT BUSINESS

A) Road Shop Doors - Road Superintendent Rex Funk reviewed with the Commission bids he had received for replacement of the doors at the Emery County Road Shop. The bids received were as follows: B&D Doors of East Carbon for \$9004.89; Central Utah Doors of Provo for \$7,198.00 with a note that it did not include installation or any remodeling; Judd Construction of Castle Dale for \$12,642.36; and Kent Stilson of Orangeville for \$13,121.00. Whereupon, after discussion, motion was made by Commissioner Jerry Mangum to recognize the apparent low bid of BID Doors of East Carbon in the amount of \$9,004.89. Motion was also made that he be authorized to meet with Road Superintendent Rex Funk and the low bidder and compare that their bid includes all the necessary masonry work as contained in the next higher bid and that he be authorized to accept the bid and proceed. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Airport Road Gravel Pit - Road Superintendent Rex Funk presented to the Commission-for signature the BLM use permit for a gravel pit located near the Huntington Airport road, number UTU-64364. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve and sign the pre-use gravel permit as submitted. Motion was approved by all members present.

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## JAMES BANASKY - EMPLOYEE LIFE/ACCIDENT INSURANCE

Mr. James Banasky of James Banasky Insurance Co. presented to the Commission for their consideration a change in the \$100,000 accidental death benefit policy of Emery County. His recommendation was to change the policy to a \$50,000 accidental death benefit and a \$50,000 natural death benefit. He further noted that this would result in a cost of \$19.00 per month per employee. Whereas the present cost of the current plan is \$8.00 per month per employee. It was the consensus of the Commission that this item would be considered at budget time.

## CONSIDERATION OF AN ANIMAL CONTROL ORDINANCE --

Emery County Deputy Attorney Gene Strate reviewed with the Commission the Animal Control Ordinance. This has been revised at the request of the County Animal

Control Officer Stan Nielsen. Mr. Nielsen has incorporated the guidelines and fee structure of a number of counties. It was Mr. Strate's concern and also that of County Attorney Scott Johansen that the Commission review the mandatory fines before any further action is taken. Mr. Strate indicated that they appeared somewhat high. However, it was not the intent to request Commission action at this time, but to look over and make any recommendations to the County Attorney's office who will re-write the Ordinance.

#### PERSONNEL ITEMS - RESOLUTIONS 11-02-88B and 11-02-88C

A) Robert E. Blackburn Reclassification- Sheriff's Department - Emery County  
Personal technician Pat Snowball presented the Personnel Action Form for Robert E. Blackburn who has completed POST training. Therefore, he is to be reclassified from a Dispatcher at a Grade 9, Step 1, or a salary of \$1,531.64 per month to that of a Patrol Deputy II at a Grade 11, Step 1, or a salary of \$1710.00 per month effective October 16, 1938. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form of Robert E. Blackburn as presented. Motion was approved by all members present.

B) Carol Riddle and Dixie Swasey Reclassification - Assessor's Office -  
Presented to the commission for their consideration was Resolution 11-02-88B which amends the class specification from an Appraiser at a Class Code 240 at a Grade 7 to be amended in the County Personnel Policy to a Grade 6. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve Resolution 11-02-88B which amends the class specification of an Appraiser from that of a Grade 7 to Grade 6. Motion was approved by all members present.

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November 2, 1988

Personnel Items, cont. ...

Also presented to the Commission were the Personnel Action Forms for Carol Riddle and Dixie Swasey. These were considered in the Commission meeting of October 5, 1988, wherein the Commissioners tabled the request to allow sufficient time for the employees committee to make a recommendation. It is being brought back at this time for Commission consideration. Pat Snowball indicated that the employees committee recommendation to the Commission is that Carol Riddle be reclassified from a Deputy Assessor at a Grade 5, Step 1 or a salary of \$1,172.00 per month to that of an Appraiser at a Grade 6, Step 1 or a salary of \$1,243.00 per month, which is an increase of \$71.00 per month. The committee has also recommended that Dixie Swasey be reclassified from a Deputy Assessor from a Grade 5, Step 5 or a salary of \$1,347.00 per month to that of an

Appraiser at a Grade 6, Step 5 or a salary of \$1,423.00 per month or an increase of \$76.00 per month.

A Personnel Action Form was also submitted to the Commission in regards to Carol Riddle, wherein Emery County Assessor James Fauver has requested that with the new classification that the salary step go beyond the recommendation of the committee to that of a Grade 6, Step 2 or a salary of \$1,285.00 per month in lite of her performance as an outstanding County employee.

After further discussion, motion was made by Commissioner Jerry Mangum to approve the reclassification of Carol Riddle from a Deputy Assessor at a Grade 5, Step 1 or a salary of \$1,172.00 per month, to that of an Appraiser at a Grade 6, Step 1 or a salary of \$1,243.00 per month as recommended by the employees committee. Motion was seconded by Commission Chairman Clyde Thompson and Commissioner Duane Collard voted nay. Whereupon, motion passed. Also included in the motion was an effective date of October 16, 1988.

Motion was made by Commissioner Duane Collard to reclassify Dixie Swasey from a Deputy Assessor at a Grade 5, Step 5 or a salary of \$1,347.00 per month to an Appraiser at a Grade 6, Step 5 or a salary of \$1,423.00 per month. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Also included in the motion was an effective date of October 16, 1988.

C)Laura Acerson Reclassification - Resolution 11-02-88C - Presented to the Commission for consideration was Resolution 11-02-88C which amends the Emery County Personnel Policy. The Resolution adds the classification of the Green River Deputy Assessor, Code 250, and a Grade 7 and also adds to the Emery County Personnel Policy the class specifications for said title in the Assessor's Department. Whereupon, after review by the Commission, motion was made by Commissioner Duane Collard to approve Resolution 11-02-88C to amend the Emery County Personnel Policy and that a class specification be created for a Green River Deputy Assessor/Appraiser and that the class specification under Education and Experience include that said person must be a certified appraiser. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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Commission Minutes  
November 2, 1988

Personnel Items, cont. ...

Also submitted to the Commission was the Personnel Action Form for Laura Acerson who would be reclassified from an appraiser to a Green River Deputy Assessor/Appraiser who would remain at a Grade 7, Step 2 or a salary of \$1,358.00. There would be no change in grade, step or salary and that it remain on an exempt status.

Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form reclassifying Laura Acerson from an Appraiser to that of a Green River Deputy Assessor/Appraiser to remain at the present grade, step and exempt status. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### BLIND TAX EXEMPTION

Emery County Treasurer Elaine Wilson advised the Commission that Frank Peay who was to receive a blind exemption on his property taxes was applied to the wrong account. Whereupon, motion was made by Commission Chairman Clyde Thompson to authorize the adjustment and allow Mr. Peay to receive the approved blind exemption as originally submitted. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:45 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

#### MINUTES OF THE SPECIAL MEETING

#### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

FOR CANVASS OF THE GENERAL ELECTION OF NOVEMBER 8, 1988

NOVEMBER 14, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Clerk, Bruce C. Funk; and as Judges of Election for counting absentee ballots, Jami Luce, Wendi Curtis, and Lindora Draper.

Commission Chairman Clyde Thompson opened the meeting at 12:00 noon for the purpose of canvassing the election results of the November 8, 1988, election.

Absentee ballots were reported as 34 received, with 21 ballots counted and 13 challenged. These results were reported as voting district #99 on the official tabulation.

Therefore, the election results following the canvass, including all corrections and absentee votes, are as per the attached sheets.

Motion was made by Commission Chairman Clyde Thompson to accept the results of the official canvass and to declare the candidate receiving the highest number of votes for each office as the winner, authorizing the Emery County Clerk to issue certificates of election to the same. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

The meeting adjourned at 12:45 p.m.

bB0045

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 7, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman, Clyde Thompson.

A review of the Agenda was made.

COMMISSIONERS MINUTES

The minutes of the November 2, 1988, Commission Meeting were reviewed. Motion was made by Commission Chairman Clyde Thompson to approve the minutes as



presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

The minutes of the November 14, 1988, Canvass of the General Election were reviewed. Motion was made by Commission Chairman Clyde Thompson to approve the minutes as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)  
AUDITOR'S BUSINESS --

Emery County Auditor, Karen Truman, presented Warrant Edit List #883664 through and including #883777 and hand-written Warrants #1076 through #1078 for payment. This included three warrants in regards to Utah Power and Light repayment based on figures given to the Emery County Treasurer by the Tax Commission and Mr. Bill Peters representing the Utah Association of Counties. The Commission had concerns regarding the calculations made to the disbursements as well as a number of other questions. Therefore, it was the consensus of the Commission and motion was made by Commissioner Duane Collard that County Attorney Scott Johansen review the protest amounts and discuss this further with the Tax Commission to determine if the amounts are correct. Mr. Johansen is then to bring a recommendation back to the Commission, then Emery County Treasurer Elaine Wilson is to review the calculations with independent auditor Kay Kimball and verify the amount due back from each taxing entity. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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Commission Minutes  
December 7, 1988

Auditor's Business, cont. ...

After review, motion was made by Commissioner Jerry Mangum to approve all warrants as presented with the exception of the warrants regarding the repayment of the Utah Power and Light tax protest monies. Motion was seconded by Commissioner Duane Collard and approved by all members present.

The following requisitions were presented to the Commission for approval:

	Item and Department	Cost	Action
61	Pak-IX-E Laminator - Sheriff	445.50	Approved
62	Color Analyzer and Program Module - Sheriff	415.85	Approved

63	Spiritone Stabilization Processor - Sheriff	199.95	Approved
64	Demonstration Mirror - Extension	331.56	Approved
65	Panasonic Dot Matrix Printer - Extension	350.00	Approved
66	1988 Chev Corsica - Courthouse	8,200.00	Approved
67	1989 Chev Astro-Van - Assessor	14,850.00	Approved
68	Addler Satelite Typewriter - Recorder	359.00	Approved
69	Two Hard Drive Components - Highway	1,075.00	Approved

Motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)  
ASSESSOR'S OFFICE VEHICLE DISPOSITION

Emery County Auditor Karen Truman presented to the Commission for their consideration disposition form for the 1982 Buick Skylark used by the Assessor's office. The vehicle is to be traded in on the purchase of a new van from Mountain Motors. Motion was made by Commissioner Jerry Mangum to approve the disposal of the vehicle as described to be traded in on the new County vehicle. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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Commission Minutes  
December 7, 1988

(4)  
WES CURTIS - EMERY COUNTY HEALTH INSURANCE PROPOSAL

Insurance Agent Wes Curtis came before the Commission in response to a letter previously delivered to the Commission. He requested, as a matter of record, that he be designated as the agent of record for Blue Cross and Blue Shield. He indicated that he is

the only insurance representative located within the boundaries of Emery County. He noted that if Blue Cross and Blue Shield get the account, his agency would be large enough to have an office with a one-half time employee. Whereupon, Commission Chairman Clyde Thompson expressed appreciation for Mr. Curtis being in attendance, indicating that they would finalize this upon receipt of all the proposals.

(5)  
COURTHOUSE RE-ROOFING PROJECT

Commission Chairman Clyde Thompson informed the Commission that he has received a proposal from All-Weather Waterproofing, Inc., of Salt Lake City. They will re-roof the new portion of the courthouse for the amount of \$10,756.00. He noted that these are the same people who just recently completed re-roofing the Emery County Nursing Home. He indicated that he had received other proposals as well. These people would be doing a larger area than is proposed by the others.

Whereupon, motion was made by Commissioner Jerry Mangum to award the contract and sign the proposal to All-Weather Waterproofing, Inc., of Salt Lake in the amount of \$10,756.00 so as to expedite the needed repairs. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)  
U. S.FOREST SERVICE - MAMMOTH ELEPHANT

Commission Chairman Clyde Thompson reviewed a letter he received from the Forest Service in regards to the remains of the mammoth elephant obtained up Huntington Canyon. The letter discussed the disposition of the bones and further inquired whether the County would want to buy a replica. Where in Commissioner Jerry Mangum indicated that he would take this matter up with the Museum people.

Commission Chairman Clyde Thompson indicated that there are attempts being made by the Archeological and Paleontology Society to pass a resolution wherein all artifacts would have to be housed in the Utah State Museum of Natural History. Wherein, the County of location would be required to pay all costs in the care and storage of artifacts. Whereupon, it was the consensus of the Commission that they were in opposition to any such resolution.

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Commission Minutes  
December 7, 1988

(7)  
1985 CDBG GRANT - SENIOR CITIZEN CENTERS

Commission Chairman Clyde Thompson noted that in 1985 Emery County had received a Community Development Block Grant for remodeling Senior Citizen Centers located within the County. A question has arisen as to the audit and closing out of those funds. There was no record of that having been done. Since that time Commissioner Thompson has had confirmation from the Southeastern Utah Association of Governments, who administered the audit, and had forwarded the audit on to the Community Impact Board. It was further advised from the Community Impact Board that all documents and audits have been located and therefore, the account has been closed and completed.

(8)

#### UTAH POWER AND LIGHT BOND ISSUES

Emery County Attorney Scott Johansen addressed the Commission in regards to the 1974 Utah Power and Light Bond issues. He indicated that beginning in the year 1989, Utah Power and Light is required to redeem \$100,000 in bonds in February and in each subsequent year. The second option would be to buy their own bonds and retire them. He noted that the County is to notify the trustee of Utah Power and Light's request that they will pursue option two which will require authorization by the Commission and signature of the Commission Chairman.

Whereupon, motion was made by Commissioner Duane Collard to authorize Utah Power and Light to exercise option 2 as allowed for in the 1974 Pollution Control Bond issue wherein Utah Power and Light will purchase bonds from their sinking fund and authorize the Commission Chairman to sign any necessary documents. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(9)

#### FOREST SERVICE VISIT - GREAT WESTERN TRAIL

Mr. John Niebergall, Ferron District Forest Supervisor, and John Healy, Range Conservationist, came before the Commission to update them in regards to the Great Western Trail. It was noted that the trail is not located in Emery County, but would have a possible impact on recreation. The trail runs from Canada to Mexico and would primarily follow along the skyline drive. The Forest Service would solicit public assistance in approving the trails and also making a foot path. They are also preparing brochures at the present time. Mr. Niebergall also reviewed with the Commission coal leases in the area.

#### JOE'S VALLEY ROAD IMPROVEMENTS

Mr. Tristan DeMille came before the Commission to discuss the progress on the road project from Emery County to Sanpete County. He noted that he has met with the Forest Service and has reviewed the plans. The Forest Service has requested that the road

width be reduced to 24' wide with a 5' burough. He further reviewed the funding and project proposals with the Commission

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Commission Minutes  
December 7, 1988

Joe's Valley Road, cont. ...

indicating that the Emery County Commission initially gave approval of \$40,000 in FAS monies. He indicated that this may become as high as \$60,000 to \$70,000 from the county's Federal Aid to Secondary Road program with Emery County's participation being 10% of that amount. He further inquired as to the County's intent to continue to participate and to pay their appropriate share of the design engineering. At which time Mr. DeMille presented to the Commission for their consideration an engineering agreement, noting that a contract engineering agreement would follow later by the State. The design engineering contract would be a lump sum contract in the amount of \$6,500 and \$2,500 for the environmental and safety reviews for a total of \$9,000 at this time. This would include all necessary right of ways. Whereupon, the Commission was in consensus that they would go ahead with the work on the project. They requested that the agreement be left with County Attorney, Scott Johansen for his review and to make a recommendation back to the Commission.

ADJOURNMENT FOR LUNCH --

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:08 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:22 p.m. with all members present.

GREEN RIVER HOLDING FACILITY - DISBURSEMENT CONTRACT -  
DEPARTMENT OF PUBLIC - SAFETY

County Attorney, Scott Johansen presented to the Commission for their consideration a disbursement contract between Emery County and the Utah Department of Public Safety. He indicated that under Section 58-37-13 of the Utah Code provides that property seized can be used for the enforcement of controlled substances. Wherein Emery County is the recipient agent in the amount of \$161,508.00 which is the County's share as agreed upon in contracts by both parties.

He suggested that this money be used in the construction of an addition to the existing Emery County Sheriff's substation in Green River, Utah. This would include

prisoner holding facilities and office space for the Emery County Sheriff's office and the Utah Highway Patrol. The recipient agent shall pay one-half of the utilities for said remodeled substation and the Utah Highway Patrol would pay the other half of the utilities. The building would belong to Emery County. Whereupon, motion was made by Commissioner Duane Collard to authorize signing of the disbursement contract as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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December 7, 1988

#### EMERY COUNTY HEALTH INSURANCE - JAMES BANASKY

Mr. James Banasky of James Banasky Insurance, Inc., presented for Commission consideration three County Health Insurance proposals. One being under the present program from Equitable; the second one being Equitable with a \$100 deductible, two-dependant, \$5,000 stop loss; and a proposal from Blue Cross Blue Shield for the same. Mr. Banasky further noted that Emery County last year had 126% loss ratio. He further noted that the Health Insurance nationwide has gone through substantial increases.

He felt that his office can offer a number of years of experience, they are full-time and he has worked hard with the companies to assure Emery County received payment of all claims. He further felt that no other company is able to match Equitable. He has given the County good service and has checked in weekly.

Wherein, the Commission expressed appreciation to Mr. Banasky for bringing in his proposals, noting that the County would have to give these further consideration as the cost for 1989 is substantially higher than previous years. Commissioner Duane Collard further requested Mr. Banasky to obtain an additional proposal.

#### PUBLIC HEARING ON THE TENTATIVE 1989 EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT BUDGETS

Commission Chairman Clyde Thompson opened the meeting at 2:00 p.m. for public comments in regards to the tentative 1989 budget which includes the library and debt service as well as the Castle Valley Special Service District. County Auditor, Karen Truman indicated that the budget as presented is only tentative and it reflects the requests of various departments. She further noted that Emery County anticipates the same tax base as 1988.

Commission Chairman Clyde Thompson inquired if there were comments from public in regards to the tentative Emery County budgets. Mr. Maughn Guymon, of the Area Agency on Aging, indicated that he appreciated the support the County has given his program over the past years. Mr. Jim Whear responded in that Four Corners Mental Health is also appreciative of the County's support. Mr. Whear noted that any monies they receive from the County are matched on an 80% State 20% match to the County.

There being no other comments, Commission Chairman Clyde Thompson closed the Public Hearing to the Emery County General Revenue Expenditure and Library and Debt Service Budgets at 2:17 p.m. and opened the Castle Valley Special Service District General Revenue and Expenditure Budget.

Castle Valley Special Service District Director Darrell Leamaster informed the Commission and those present that the budget as presented is approved by the Administrative Control Board of the Castle Valley Special Service District. He noted that it reflects a reduced property tax rate and debt service. Also presented to the Commission was a diagram showing those percentages of the

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Public Hearing -Budgets, cont. ...

total budget, noting that personnel is approximately 41% of the total budget, roads being 14%, utilities at 11%, and various other programs at 5 to 6% each.

Commission Chairman Clyde Thompson inquired if there were other public comments in regards to the Castle Valley Special Service District budget. There being none, he closed the public hearing to the Castle Valley Special District General Revenue and Expenditure Budget at 2:21 p.m.

ACCEPTANCE OF THE 1989 TENTATIVE EMERY COUNTY LIBRARY  
DEBT SERVICE AND CASTLE  
VALLEY SERVICE DISTRICT BUDGETS

Upon reconvening the regular Emery County Commission Meeting at 2:22 p.m., motion was by Commissioner Jerry Mangum to accept the tentative 1989 Emery County General Revenue and Expenditure Budget, Library, Debt Service and Castle Valley Special District General Revenue and Expenditure Budgets as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

EMERGENCY MEDICAL SERVICES COMMUNICATION - MILTON DAVIS

Mr. Milton Davis, the Emergency Medical Services Communication Coordinator of the Department of Public Safety and Bret Mills, of the Emery County Communications Department, came before the Commission to discuss concerns in regards to the problems with the Emery County Ambulances communicating with the Castlevue Hospital. Mr. Mills noted that the hospital is not monitoring the radios and recommended other site locations for the communication equipment. Mr. Davis noted that the equipment in the hospital could have audible sounds installed to notify personnel there of incoming calls. He further noted that encoders need to be placed on the transmitters on the Emery County ambulance radios as part of a state-wide communication effort.

It was the consensus of all those present that the agreement presented by Mr. Davis for implementation in Carbon and Emery Counties was an effort to improve the working relationship between all agencies and was not a formal document. However, Commissioner Duane Collard asked that Mr. Davis revise the agreement based on the concerns addressed today and resubmit it for Commission signature. The Commission expressed appreciation for all those in attendance and their efforts in trying to resolve the communications problem.

#### ROAD DEPARTMENT RADIO REPAIR NEEDS

In response to a letter addressed to Lamar Guymon from Road Superintendent Rex Funk addressing the need to repair communication equipment in the Road vehicles, Rex Funk and Bret Mills addressed the Commission with their concerns as to what could be done to repair the equipment in the Road Department. It was the consensus of the Commission that the Road Department needs to prepare some form of a work order and forward it to Bret Mills. In the past Mr. Mills

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Road Department, cont. ...

has been unaware as to the needs of the Road Department. The Commission recommended that such work orders be given to Steve Stream, who is the officer over Bret Mills. Mr. Funk should correspond to the Sheriff or the Commission only if the matters cannot be resolved.

BOARD APPOINTMENT ON THE COUNCIL ON AGING AND NUTRITION  
- LES JONES



Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to reappoint Les Jones to the District 7-A Council on Aging and Nutrition. Motion was approved by all members present.

DISTRICT COURT CONTRACT -----

Emery County Clerk, Bruce Funk advised the Commission that Emery County is in receipt of the amended court contract agreement for the fiscal year 1988-89 which now includes the District Court. He indicated that District Court reimbursement is in the amount of \$19,380 for the period of January 1, 1989, to July 1, 1989. It was further noted that for the fiscal year 1989-90 that the contract would again be combined with Circuit Court. Circuit Court receiving \$53,009 and District Court would receive \$38,760 plus approximately \$31,700 for space reimbursement, this is for a total of \$70,460. It was his recommendation that County Attorney Scott Johansen review the documentation, noting that the Clerk's office feels comfortable with the expenses they are being reimbursed for at this time. Whereupon, it was the consensus of the Commission that this matter be held until the next Commission meeting for further consideration and that County Attorney Scott Johansen review the documentation as presented.

(20)  
1989 COMMISSION MEETING SCHEDULE

Emery County Clerk, Bruce Funk presented to the Commission a proposed 1989 Commission Meeting schedule. This is based on meetings being on the first and third Wednesdays of each month as presently enacted. The proposed meeting schedule is as follows:

January 4, 1989	10:00 a.m.
January 18, 1989	10:00 a.m. (Board of Equalization for Personal Property)
February 1, 1989	10:00 a.m.
February 15, 1989	10:00 a.m. (Board of Equalization for Personal Property)
March 1, 1989	10:00 a.m.
March 15, 1989	10:00 a.m. (Board of Equalization for Personal Property)
April 5, 1989	10:00 a.m.
April 19, 1989	10:00 a.m. (Board of Equalization for

Personal Property)

1989 Commission Meeting Schedule, cont. ...

May 3, 1989	10:00 a.m.	
May 17, 1989	10:00 a.m.	(Board of Equalization for Personal Property)
June 7, 1989	10:00 a.m.	
June 21, 1989	10:00 a.m.	(Board of Equalization for Personal Property)
July 5, 1989	10:00 a.m.	
July 19, 1989	10:00 a.m.	(Board of Equalization for Personal Property)
August 2, 1989	10:00 a.m.	
August 16, 1989	10:00 a.m.	(Board of Equalization for Personal Property)
September 6, 1989	10:00 a.m.	
September 20, 1989	10:00 a.m.	(Board of Equalization for Personal Property)
October 4, 1989	10:00 a.m.	
October 18, 1989	10:00 a.m.	(Board of Equalization for Personal Property)
November 1, 1989	10:00 a.m.	
November 15, 1989	10:00 a.m.	(Board of Equalization for Personal Property)
December 6, 1989	10:00 a.m.	(Public Hearing @ 2:00 p.m. 1989 budget)
December 15, 1989	10:00 a.m.	(Setting of 1989 budget and Board of Equalization for Personal Property)

Upon review, motion was made by Commissioner Jerry Mangum to accept the proposed 1989 Commission meeting schedule and authorize the Clerk to advertise the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

1989 HOLIDAY SCHEDULE

Emery County Clerk, Bruce Funk presented to the Commission for their consideration the following holiday schedule for the year 1989:

New Year's Day 1989	Monday,	01-02-89
Human Rights Day	Monday,	01-16-89
President's Day	Monday,	02-20-89
Memorial Day	Monday,	05-29-89

Independence Day	Tuesday,	07-04-89	
Pioneer Day	Monday,	07-24-89	
Labor Day	Monday,	09-04-89	
Columbus Day	Monday,	10-09-89	
Veteran's Day	Friday,	11-10-89	
Thanksgiving Day	Thursday,	11-23-89	
Christmas Eve	Friday,	12-22-89	1/2 day
Christmas Day	Monday,	12-25-89	

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1989Holiday Sochedule, cont. ...

Motion was made by Commissioner Jerry Mangum to approve the 1989 holiday schedule as presented for a total of 11-1/2 days. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(22)

DISPOSITION OF SURPLUS PROPERTY - ROAD DEPARTMENT

Presented to the Commission for their consideration in behalf of Rex Funk, Road Superintendent, was a request to dispose of the 1971 International Tractor, ID#757951G424731. This was previously approved for disposition on July 1, 1987, wherein disposition would now be by private sale. The vehicle is to be sold to John Wickman, of Sinbad Construction Company, for a total amount of \$1,950. Commissioner Jerry Mangum noted that approval had previously been given for disposition of said vehicle and the method of disposition now being changed to private sale. Whereupon, Commissioner Jerry Mangum made a motion authorizing sale of the vehicle to John Wickman in the amount of \$1,950 as proposed. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(23)

ELECTIONS - VOTING MACHINES

Emery County Clerk, Bruce Funk inquired of the Commission if Emery County would be considering purchasing voting machines at this time in preparation for next year's election. After discussion, it was the consensus of the Commission and those present that Emery County continue to use the paper ballots and that further consideration be given prior to the 1991 municipal election.

(24)

ADJUSTMENTS AND APPROVAL OF ERRONEOUS, ILLEGAL AND DOUBLE-ASSESSED PROPERTY - TAX LIST

Emery County Treasurer Elaine Wilson presented to the Commission for their consideration the following properties which were either erroneous, illegal or double-assessed:

Frank Peay - Account 31651  
Margorie Moffitt - Account 24326  
Richard Cullum - Account 54281  
Von Bell - Account 70915  
Ramona Anderson - Account 33913  
Venice Golden - Account 86242  
Percy Lurgess - Account 86234  
Donald Almond - Account 73067 and 76026  
Lucy Chao - Account 4310  
John Adams - Account 56385  
Sylvia Bigelow - Account 1274  
Ethel Anderson - Account 12529  
Clyde Sherman - Account 52441 and 20837  
Emmet Jensen - Account 62508

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Property Tax List, cont.

Carl Jensen - Account 62490  
Charles Jones - Account 71988  
Iris Fullmer - Account 33855, 32873 and 28822  
Esther Justice - Account 17915  
Marvin Jensen - Account 7339 and 6844  
Stan Jullian - Account 39423  
Cindy Young - Account 77183

Upon review and recommendation by Elaine Wilson, motion was made by Commissioner Duane Collard to approve the adjustments as requested. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(25)

EMERY COUNTY TAX ANTICIPATION NOTE - 1989

County Attorney, Scott Johansen inquired of the Commission if he was to pursue looking into the 1989 Tax Anticipation Note. He noted that it was not his responsibility, but he has done so in previous years. Whereupon, motion was made by Commissioner Jerry Mangum that County Attorney Scott Johansen continue to pursue a tax anticipation

note for the year 1989. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(26)

DUI REHABILITATION PROGRAM - JIM WHEAR -----

Mr. Jim Whear, Director of the Four Corners Mental Health addressed the Commission in regards to the DUI education and rehabilitation program. This matter has been discussed in previous Commission meetings. After further discussion, it was the consensus of the Commission that this matter be taken under advisement.

(27)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 5:05 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

## MINUTES OF THE REGULAR MEETING

### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

#### HELD IN THE EMERY COUNTY COURTHOUSE

December 15, 1988

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the Agenda was made.

COMMISSIONERS MINUTES

The minutes of the December 7, 1988, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

**PUBLIC HEARING - SETTING THE 1989 EMERY COUNTY BUDGET -  
RESOLUTION 12-15-88A**

Emery County Auditor, Karen Truman presented to the Commission for their consideration Resolution 12-15-88A which is the 1989 Emery County General Revenue and Expenditure Budget in the amount of \$7,493,396.00. This Resolution includes Economic Development Revenue and Expenditures in the amount of \$45,108.00, Debt Service in the amount of \$261,495.00, Library Revenue and Expenditures in the amount of \$308,000.00, and Transient Room Tax in the amount of \$10,000.00. She further noted that this would be at an approximate tax rate of .003029.

Whereupon, motion was made by Commissioner Jerry Mangum to adopt Resolution 12-15-88A which sets the Emery County General Fund Revenue and Expenditure Budget at \$7,493,396.00 for the year 1989, and Economic Development, Debt Service, Library and Transient Room Tax Budgets as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(3)

**1989 FEDERAL REVENUE SHARING BUDGET - RESOLUTION 12-15-88B**

Resolution 12-15-88B was also presented to the Commission, noting the 1988 Revenue Sharing Budget carry over of \$55,156.00 and proposed expenditures in Data Processing of \$55,156.00 for 1989. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve and adopt Resolution 12-15-88B which covers the proposed Federal Revenue Sharing Budget for the year 1989 with a proposed expenditure of \$55,156.00 in the Emery County Data Processing Department.

(4)

**CASTLE VALLEY SPECIAL SERVICE DISTRICT 1989 BUDGET ADOPTION**

Castle Valley Special Service District Director Darrell Leamaster, together with Auditor Karen Truman, presented to the Commission a summary of the proposed 1989 General Fund Revenue and Expenditure and Debt Service Budget for the Castle Valley Special

Service District. The General Fund Revenue and Expenditure Budget is in the amount of \$1,136,000.00 with Debt Service being \$2,409,000.00 and noted that the tax rate is less than the year 1988. Whereupon, motion was made by Commissioner Duane Collard to adopt and approve the 1989 Castle Valley Special Service District General Revenue and Expenditure Budget and Debt Service Budget as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(5)

#### DUI REHABILITATION

The Board of Emery County Commissioners reviewed a letter dated December 13, 1988, from the Emery County Clerk regarding the DUI rehabilitation. Wherein the Clerk, Bruce Funk, in order to resolve the matter suggested that effective January 1, 1989, that Four Corners Mental Health be totally responsible for all aspects of the DUI education and treatment program by referral from the Courts.

After further discussion, it was the desire of the Commission that a program be looked into and that the Clerk's office remain involved in the tracking and follow-up of the offenders and treatment. Mr. Funk is to submit a proposal to the Commission outlining those costs that would be retained by the County and those costs that would be paid for the treatment program. Wherein, Wendi Curtis of the Clerk's office would remain on full time status for this purpose.

(6)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT BOARD REAPPOINTMENT

Castle Valley Special Service Director Darrell Leamaster advised the Commission that they are responsible for appointing three members on the Castle Valley Special Service District. The present members appointed by the County Commission are Dorr Hansen, Eugene Johansen and Paul Crawford. The terms of Eugene Johansen and Paul Crawford are up at this time. It was his

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December 15, 1988

Castle Valley Special Service District, cont. ...

recommendation and the recommendation of the Board that Eugene Johansen and Paul Crawford be reappointed for another four-year term effective January 2, 1989. He noted that he has contacted each of the individuals and they are willing to continue that service.

Whereupon, motion was made by Duane Collard to approve the reappointment of Eugene Johansen and Paul Crawford to another four-year term each on the Castle Valley Special Service District. Motion was seconded by Commissioner Jerry Mangum and approved

by all members present. Darrell Leamaster will notify the individuals of their reappointment.

(7)

PRIVATE INDUSTRIAL COMMITTEE (PIC) - MOAB AREA BOARD  
APPOINTMENTS --

Commission Chairman Clyde Thompson advised the Commission that he has received a letter from the PIC Committee requesting suggestions for board members from the Moab area. It was the consensus of the Commission that they have no suggestions. Therefore, this matter was passed.

(8)

GENE STRATE - PROVIDER AGREEMENT

Emery County Deputy Attorney, Gene Strate, presented to the Commission for their review a list of drug-related forfeitures and seizures. This also detailed the vehicles forfeited to Emery County as well as cash and money forfeited through his efforts, as provided under the previous agreement with Emery County. The Agreement, as presented, provides that Mr. Strate be reimbursed \$800.00 per month as attorney's fees and will represent Emery County's interest in the forfeiture of cash, real property, vehicles and other personal property which have been used or are intended for use to transport or in any manner facilitate the transportation, sale, receipt, possession or concealment of controlled substances.

Whereupon, motion was made by Commissioner Duane Collard to approve and authorize Commission Chairman Clyde Thompson to sign the agreement on behalf of the Emery County Board of Commissioners. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(9)

DISTRICT COURT STATE COURT CONTRACTUAL AGREEMENT - FISCAL  
YEAR 1988-89

County Attorney Scott Johansen informed the Commission that he has reviewed the documentation regarding the State assumption of the District Court and the State Court Contractual Agreement for the fiscal year 1988-89. Wherein Emery County would be reimbursed in the amount of \$53,009.00 and the balance reimbursed in the amount of \$19,380.00 for January 1, 1989, through June 30, 1989. Whereupon, motion was made by Commissioner Jerry Mangum to approve the State Court Contract as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.



December 15, 1988

#### CLERK OFFICE HANDLING OF STATE COURT MONIES --

Emery County Clerk, Bruce Funk reviewed with the Commission the procedures and policies followed by the Clerk's office in handling District Court and Circuit Court monies, wherein effective January 2, 1989, they are State monies. Mr. Funk asked permission of the Commission that in the future, funds received be handled entirely by the Clerk's office. Therefore, This would not require an additional signature by the Treasurer's office, nor reconciliation of the Bank statements on those accounts. The State Court office would be responsible for all audits of State monies. Mr. Funk indicated that this has been reviewed with the Chief Supreme Court Justice as well as the Court Administrator's Office.

Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to authorize the Clerk's office, effective January 1, 1989, to handle all state Court accounts separate and apart from the Emery County funds as suggested by the County Clerk. Motion was approved by all members present. This is done in accordance with guidelines and approval of the Court Administrator's office or until such time as this matter is further clarified.

#### UTAH STATE TAX COMMISSION SERVICE AGREEMENT

Emery County Commissioner Duane Collard reviewed with the Commission a State and County Service Agreement between Emery County and the Utah State Tax Commission for the purpose of mailing motor vehicle registrations, wherein the State Tax Commission will handle all aspects of that procedure. The Assessor's office in the past has used the mailing of registration forms as a fill-in type of work, noting that if Emery County was not willing to participate, they would have to develop their own forms and do the mailing themselves. He indicated that he did not particularly like the arrangement, but overall it was more economical for the residents of the State and suggested approval.

Whereupon, motion was made by Commissioner Duane Collard that approval be given to the Agreement upon the stipulation that all Commissioners and other parties read and approve the contents before final signature by the Commission Chairman. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### EMERY COUNTY HEALTH INSURANCE - JAMES BANASKY -----

Mr. James Banasky, of Banasky Insurance, upon request of the Commission in a previous meeting informed the Commission that he has researched further into an insurance with a \$100 deductible per dependant. He noted that there was no significant difference, only

approximately \$1 per month per family savings. He indicated that he has gone back to Blue Cross Blue Shield and they have proposed a new rate which would reduce the amount per month per family by

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December 15, 1988

Insurance, cont....

approximately \$20.00. He was further asked to see what coverage is provided to other companies in the area and the associated cost as well as the amount employees are participating. The Commission thanked Mr. Banasky for his efforts.

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 11 :56 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 2:00 p.m. with all members present.

#### AMENDING THE 1988 EMERY COUNTY GENERAL REVENUE AND EXPENDITURE AND ASSOCIATED BUDGETS - RESOLUTION 12-15-88C

Emery County Auditor Karen Truman presented to the Commission the amended 1988 Emery County General Revenue and Expenditure Budget and Associated Budgets together with Resolution 12-15-88C. She noted that a budget has been increased in various departments due to increased revenue receipts. Wherein, the 1988 adopted budget was for a total of \$7,135,330.00. The amended budget would now reflect revenue and expenditures in the amount of \$7,235,599.00. She noted that those budgets which were increased were the Justice of the Peace Courts, Juvenile Court, Auditor's Officer Vehicle Registration was added, Courthouse, Sheriff's Office, Detention, Corrections, Ambulance, Nursing Home, Fair, Bear Canyon, Extension and Non-Departmental. She further noted that some of these were only line item adjustments within the departments. Motion was made by Commissioner Jerry Mangum to accept the 1988 amended budget and Resolution 1215-88C as outlined. Motion was seconded by Commissioner Duane Collard and approved by all members present.

#### AMENDED 1988 EMERY COUNTY REVENUE SHARING BUDGET - RESOLUTION 12-15-88D

Also presented to the Commission for their consideration was Resolution 12-15-88D outlining the amended 1988 Revenue Sharing Budget as follows. This includes a 1987 budget carry-over revenue of \$63,549.00 with the amended expenditures for 1988 with the County Road to receive \$1,234.00 and Emery County TV \$58,797.00, Emery County Airport \$3,518.00, for a total expenditure of \$63,549.00. Whereupon, motion was made by Commissioner Jerry Mangum to approve the amended 1988 Revenue Sharing Budget as outlined in Resolution 12-15-88D and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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#### JOE'S VALLEY ROAD IMPROVEMENTS - ENGINEERING AGREEMENTS --

The Emery County Commission reviewed the agreement left by Mr. Tristan DeMille from his meeting with the Commission on December 7, 1988. The Commission at that time asked that this item be reviewed by County Attorney Scott Johansen. Mr. Johansen indicated that the Agreement is very straight forward and is in proper form. However, discussion was as to the feasibility of the costs for the amount of road being done and whether those costs were proportionate over the whole construction of the road. Whereupon, it was the consensus of the Commission that Commissioner Mangum correspond further with Mr. DeMille and possibly Johansen and Tuttle Engineering before a final approval and authorization be given.

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:00 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

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#### MINUTES OF THE REGULAR MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

January 4, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by acting Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce C. Funk.

A review of the Agenda was made.

OATH OF OFFICE - COMMISSION CHAIRMAN -  
COMMISSION\_ASSIGNMENTS-

Emery County Clerk, Bruce C. Funk gave the oath of office to Commissioners elect Clyde Thompson and Jerry Mangum as four-year and two-year County Commissioners respectively. Motion was made by Commissioner Duane Collard to reappoint Commissioner Clyde Thompson as Chairman of the Board of Emery County Commissioners. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

It was the consensus of the Commission to leave the Commission responsibilities the same as in 1983. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to leave the Commission responsibilities the same as they were in 1988. Motion was approved by all members present.

(2)  
COMMISSIONERS MINUTES-

The minutes of the December 15, 1988, Commission Meeting were reviewed. Motion was made by Commissioner Jerry Mangum to approve the minutes as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)  
EMERY COUNTY EMPLOYEES HEALTH INSURANCE

The Commission made a note that subsequent to the last Commission meeting, they have received another insurance offer from Equitable Insurance Company. This offer is at a slightly reduced rate and they are anticipating additional rates or negotiations

from the same and/or other companies. At this time, the Commission has not reached a decision as to which program the County will pursue.

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January 4, 1989

(4)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #884023 through and including #884123 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment with the request that Commissioner Mangum review with Road Superintendent Rex Funk in regards to the increased cost on the garage doors for the Road Department shop. Motion was approved by all members present.

The following requisitions were presented to the Commission for approval:

Req.#	Item and Department	Cost	Action
79	8,000 Computer System - Date Processing		Approved
80	Garage Doors - Road	(Being Held)	
81	Xerox Copy Machine - Sheriff	5,100.00	Approved

Also presented to the Commission were requisitions from various departments to serve as a down-payment on the new computer system for the County. Whereupon, motion was made by Commissioner Duane Collard to approve the requisitions as presented except for #80 which is to be held for Commissioner Mangum to look into. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Motion was further made by Commissioner Collard to include ratification of the following requisitions signed and approved by the Commission in the interim time between Commission meetings as follows:

Req.#	Item and Department	Cost	Action
69	2-Hard drive components and 1 controller card for computer system - Road		1,075.00 Approved

70	EMT Pagers - Ambulance	6,574.66	Approved
71	Voting Booths and Ballot Boxes - Election		1,003.50
Approved			
72	Xerox Copy Machine - Recorder	5,100.00	Approved
73	Fire Fighting Video Tapes - Fire Department		2,060.00 Approved
74	Time Stamp - Recorder	485.00	Approved
75	Micro film Storage Cabinet - Recorder		947.00
Approved			

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Requisitions, cont.

76	Blue Print Copier - Recorder	2,795.00	Approved
77	300 Gallon Polyethylene Tank - Weed and Mosquito		1,200.00 Approved
78	Gas Pump - Airport	1,123.50	Approved

Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(5)  
1988 ASSESSOR & PLANNING AND ZONING BUDGET ADJUSTMENT

Motion was made by Commissioner Duane Collard to approve the transfer of the Planning and Zoning Budget as it relates to personnel to the Assessor's Office to cover the part-time employee as recommended by the County Auditor. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)  
TAX ANTICIPATION NOTE

Emery County Attorney, Scott Johansen reviewed with the Commission the status of the Tax Anticipation Notes. He indicated that his office has sent letters inviting banks and other institutions to submit offers. He indicated that he presently has five offers, noting that they are not firm. They range from an interest rate on the Tax Anticipation Note of 6.4% to 7.75% with a reinvestment rate of 9% to 9.3%. He anticipated closing the offers prior to the next Commission meeting on January 18, 1989. At that time he would have a final offer for Commission consideration. The closing of the Tax Anticipation Note is expected to be approximately January 20, 1989.

(7)

PERSONNEL ACTION - SHERIFF'S DEPARTMENT

The following Personnel Action Forms were presented for Commission consideration: Richard Leamaster as a Jailer, Jim Gordon as a Jailer, Jim Fielder as a Jailer, and John Spinney as a Jailer. These are all at a Grade 9 Step 1 or salary of \$1,532.00 per month. The Sheriff noted that two would replace Richard Graham and Tracy Cartwright who will be working on the Interstate as well as fill two vacancies in the Sheriff's Department. He further noted and it was the understanding of the Commission that should the Interstate 70 program be discontinued, two of these recent employees would be dismissed. Whereupon, after review, motion was made by Commissioner Jerry Mangum to approve the hiring of Richard Leamaster, Jim Gordon, Jim Fielder and John Spinney at a Grade 9 Step 1, or a salary of \$1,532.00 per month effective January 9, 1989. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(8)

SHERIFF'S OFFICE - SALLY PORT CONSTRUCTION

Emery County Sheriff, Lamar Guymon presented to the Commission for their review and approval a bill submitted by Ernest J. Jensen Construction for concrete work completed at the Sally Port in the amount of \$2,981.00. Sheriff Guymon also requested approval to make a claim on the 1988 budget in the amount of \$5,000.00 to cover portions of the walls yet to be completed by Ernest J. Jensen Construction. This check is to be held until completion of the work. Motion was made by Commissioner Duane Collard to approve and pay out of the 1988 budget the \$2,981.00 to Ernest J. Jensen Construction for concrete work already completed and that a check be made in the amount of \$5,000.00 to Ernest J. Jensen Construction for construction of the walls to be paid upon completion of that portion of work. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(9)

#### ANIMAL CONTROL ORDINANCE

Emery County Deputy Attorney, Gene Strate, together with Animal Control Officer Stan Nelson reviewed with the Commission the proposed Animal Control Ordinance. After discussion, the Commission felt there was a need for some revision and that additional time be allowed for the Commission to review it further. The Commission at this time made recommendations to Mr. Strate that should be included in a revised copy. Whereupon, motion was made by Commissioner Duane Collard to table the Animal Control Ordinance for two weeks in order to allow the Commission to further review the matter. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(10)

#### TREASURER - DELINQUENT TAX LIST

The Commission reviewed with Emery County Treasurer Elaine Wilson the listing of the delinquent properties recently published in the Emery County Progress. It was indicated that possibly not all delinquent properties were listed in the notice. It was further requested that this possibly needs to be republished and corrected to be in full compliance with the law. The Commission will review this with Treasurer Elaine Wilson and make a further determination as to whether it needs to be republished.

#### ADJOURNMENT FOR LUNCH

Motion was made by Commission Chairman Clyde Thompson to adjourn for lunch at 12:12 p.m. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1 :12 p.m. with all members present.

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January 4, 1989

#### JULIE WINN - LEAVE OF ABSENCE

Emery County Clerk, Bruce Funk reviewed with the Commission the request of Julie Winn dated December 29, 1988. Wherein she is expecting a baby and will begin her maternity leave on February 21, 1989. She will use earned vacation and sick leave time until March 22, 1989. After that, she is requesting a leave of absence from the Clerk's Office without pay from March 23 to April 28, 1989. She will return to work on



May 1, 1989. Motion to approve the leave of absence as requested was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

#### CLERK'S BUSINESS

A)DUI Education and Treatment - Emery County Clerk, Bruce Funk, as requested by the Commission and upon looking into the matter of DUI Education and rehabilitation, indicated that in contacting various State, County and Health agencies, there appears to be no consensus as to how those monies should be handled and as to what services they are to provide. He further noted that these monies are to be used in drug and substance abuse programs, but throughout the State they are being used in various ways. He briefly reviewed with the Commission some of those programs. He indicated that additional time will be required to come up with a recommendation for Commission consideration.

B)Clawson Water Involvement - Mr. Funk further discussed with the Commission efforts being taken by Clawson Water to obtain a postponement of a grant loan payment as well as a grant application from the Community Impact Board. He indicated to the Commission that his continued involvement in this would require some time away from the County in order to meet with the respective agencies. He further felt that it was valuable in the interest of the community and the County as it would bring some economic development into the area and at present there was no one available to pursue these matters. After discussion, it was the consensus of the Commission that Mr. Funk pursue those matters which would be in the best interest of the residents in Emery County.

#### UTAH POWER AND LIGHT - BEAR CANYON CAMPGROUND POWER REFUND

Motion was made by Commission Chairman Clyde Thompson to acknowledge receipt of a check from Utah Power and Light as a refund on the Bear Canyon Campground Electrical Utilities in the amount of \$96.56. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### LEASE ON WATER SHARES BY CASTLE DALE CITY

As a matter of record, Commission Chairman Clyde Thompson indicated that they have recently approved and authorized the release to Castle Dale City of the water shares owned by Emery County on the Cottonwood Creek Irrigation Company.

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January 4, 1989

MEETING ADJOURNMENT

Motion to adjourn the meeting at 1:31 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

bB0049

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 18, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:03 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the Agenda was made.

COMMISSIONERS MINUTES

The minutes of the January 4, 1989, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #884248 through and including #884278 for payment. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were present to the Commission for consideration:

Req #	Item and Department	Cost	Action
89-07	Sirens and Siren Speakers - Sheriff	944.94	
	Approved		
89-08	Two 1988 Chevrolet Caprices - Sheriff	22,000.00	
	Approved		
89-09	Three 1989 Dodge Ram Chargers - Sheriff	45,000.00	
	Approved		

Motion was made by Commissioner Duane Collard to approve the requisitions for purchase. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

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Commission Minutes  
January 18, 1989

(3)  
CLERK'S BUSINESS

A)Dormant Accounts at Zions Bank - Emery County Clerk, Bruce Funk reviewed with the Commission a memorandum sent to them dated January 12, 1989. Mr. Funk indicated that Zions Bank had notified the Clerk's Office regarding two dormant (unused for six years) checking accounts. The accounts are Emery County Clerk Trust Account #49-01951-8 for \$719.82 and the Eleventh Circuit Court Account #49-011G3-8 for \$177.78. Mr. Funk informed the Commission that his office was not aware that these accounts existed nor who the trust monies belong to. He indicated that there has been no activity in the accounts for over six years and service costs will continue to reduce those funds. Therefore, he indicated the funds have been withdrawn in the form of cashier's checks made payable to the Emery County Treasurer. Mr. Funk requested direction from

the Commission as to whether those funds should be deposited in the Emery County General Fund.

Whereupon, motion was made by Commissioner Jerry Mangum that the two checking accounts in discussion be closed and that said funds be deposited in the Emery County General Fund. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B)DUI and Substance Abuse Referral.Plan - Mr. Funk presented a draft of the Emery County DUI and Substance Abuse Referral Program. The program is based on the present \$150.00 assessment for first-time DUI of fenders, noting that Emery County will retain \$70.00 for supervision of the program as outlined. Wherein, Four Corners Mental Health would receive \$50.00 upon completing the education course by the of fender and an additional \$30.00 upon performing the DUI assessment, provided the of fender is not already receiving treatment or therapy under some other program. The program outlined those functions which the Clerk's office would be involved in as well as those of Four Corners Mental Health.

After discussion, it was the consensus of the Commission that the Clerk's office proceed and present this to Jim Whear of Four Corners Mental Health. The possibility of Sheriff's Department personnel becoming qualified to instruct the education classes was also discussed. No official action was taken at this time.

(4)

#### EMERY COUNTY EMPLOYEES HEALTH INSURANCE PROGRAM

Commission Chairman Clyde Thompson reviewed with those present the most recent offer made by Equitable Insurance Company for Emery County Employees health insurance. He noted that Equitable was the lowest of the bids received, that bid being \$434.31 per family and \$153.54 for a single individual per month. Motion was made by Commissioner Jerry Mangum to accept the insurance and program as previously discussed. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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January 18, 1989

(5)

#### TAX ANTICIPATION NOTE - FIRST SECURITY BANK REINVESTMENT BID

Sharon Baker, Manager of the Castle Dale Branch of First Security Bank, presented a proposal and offer to the Emery County Commission on the reinvestment of

the \$4.7 million Tax Anticipation Note. She indicated that based on the amount for six months, the rate would be 8.875% on amounts which could be invested for one year. The interest rate would be 9.150% on those amounts over \$1.5 million. It was noted that these were CD certificates.

Emery County Attorney, Scott Johansen advised those present that there is at present no definite cut off date as to when offers can be received. He indicated that First Security is not bound by these amounts given and that further offers would be considered through Friday, January 20, and possibly as late as Monday, January 23, 1989.

The Commission set and approved the date for the signing of the documents to be 3:00 p.m., Tuesday, January 24, 1989, with the closing to be done Friday, January 27, 1989. Whereupon, the Commission expressed appreciation to Sharon Baker for their offer. Mrs. Baker indicated that on Friday, she would bring over final offers to County Attorney, Scott Johansen for consideration at that time.

(6)  
BOARD OF EQUALIZATION FOR PERSONAL PROPERTY.

Commission Chairman Clyde Thompson opened the meeting to the Board of Equalization for Personal Property at 11:00 a.m. Commission Chairman Thompson inquired if there was anyone present or if any comments had been received in regards to personal property. There were none. Therefore, the Commission resumed the Regular Commission Meeting.

(7)  
ROAD DEPARTMENT BUSINESS

A) Fuel Bids for 1989 - Emery County Road Superintendent Rex Funk discussed with the Commission a proposal to receive an annual bid offer for fuel for the Road Department. He noted that this would be based on a rack price plus delivery costs. He indicated that the basic difference in the bid prices on fuel is based on the fact that it is what they charge for delivery. Therefore, Mr. Funk asked that he proceed on an annual bid basis for the fuel based upon the rack price plus delivery.

Whereupon, after further discussion and review of those proposals, the following bids were reviewed based upon the rack price and the price shown in the cost of delivery: Castle Valley Co-Op diesel fuel delivered in Green River would be the rack price plus 7 cents delivery cost per gallon, diesel delivered to Castle Dale would be 58 cents per gallon for delivery; Pierce Oil would deliver diesel to Green River for 4.17 cents per gallon, diesel delivered to Castle Dale would be 28 cents per gallon; and Hart's diesel delivered to Green River would be 48 cents per gallon, diesel delivered to Castle Dale would be 38 cents per gallon.

Commission Minutes  
January 18, 1989

Road Department, cont. ...

After discussion and consensus of the Commission, motion was made by Commissioner Jerry Mangum to approve the annual fuel bids, recognizing Pierce Oil Company as the apparent low bidder and that the Road Department be authorized to proceed with that bid based on the cost of delivering diesel to Green River at .0417 cents per gallon and to Castle Dale at .028 cents per gallon. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B)DISPOSITION OF LOADER/FORK LIFT - Road Superintendent Rex Funk presented a disposition form for Commission signature covering a 1967 Michigan loader forklift, serial #789279. He noted that it was originally purchased from surplus properties at an approximate cost of \$500.00. He indicated that they have spent considerable money in improving the engine and replacing axles. He mentioned that he has received an offer from Doug's Salvage of Wellington in the amount of \$5,000 for the piece of equipment. Whereupon, after further discussion, motion was made by Commissioner Jerry Mangum to approve the disposition and private sale of the Michigan loader/forklift at a price of \$5,000 to Doug's Salvage of Wellington, Utah. Motion was seconded by Commissioner Duane Collard and approved by all members present.

C)San Rafael Bridge Project - Johansen and Tuttle - Rex Funk, together with Craig Johansen, of Johansen and Tuttle Engineering, discussed briefly with the Commission the status of the San Rafael Bridge, noting that they are waiting final BLM approval. He indicated that approval from the BLM has not yet been received. He indicated that funding is ready, but the project has been in a hold pattern for approximately 1-1/2 years. Preliminary engineering has been done on the project. He noted that the construction costs would be approximately \$622,000, which includes construction engineering. The cost to Emery County based upon an 80/20 split would be approximately \$177,000 and approximately \$497,600 of federal funds for a total project cost of \$675,000. Mr. Funk advised the Commission that the BLM office has now given approval, which would be in the mail Friday of this week, which would include the limitations originally imposed. After further discussion, motion was made by Commissioner Duane Collard to authorize Johansen and Tuttle Engineering to proceed with the project as expeditiously as possible. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

D)FAS-FERRON PROJECT - Mr. Johansen further discussed with the Commission the FAS Ferron project which includes paving of the road to the Millsite State Park. He noted that this has previously received BLM approval and it was anticipated that there would be sufficient FAS or Federal Aid to Secondary road money by this Fall. After further discussion, it was the consensus of the Commission that a hold be placed on this project for further consideration and until sufficient funds have

accumulated to Emery County's credit in the FAS program. He noted that the split and federal participation on this is 91/9 percent split.

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January 18, 1989

Road Department, cont. ...

E)Other Business - Mr. Johansen discussed with the Commission a section of U-236, which was originally abandoned by the legislature in 1969 as a state highway. Mr. Johansen further discussed with the Commission that now that Emery County has the Emery County Special Service District No. 1, that his office could provide technical information to that board and identify those projects originally scheduled for work under mineral lease monies. It was the consensus of the Commission that Mr. Johansen meet with that board and make them aware.

(8)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:19 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:25 p.m. with all members present.

(9)  
EMERY COUNTY ANIMAL CONTROL ORDINANCE

The following individuals were present at the meeting: John and Tina Thompson of Cleveland, Clifton M. Elliott, Jr. of Cleveland, Dennis Russell of Cleveland, John Eddins of Cleveland, Jim Johnson of Orangeville, Doug Sorensen of Castle Dale, Jim Fauver of Orangeville, Don and Carol Riddle of Emery, Sheriff Lamar Guymon, and Emery County Animal Control Officer Stan Nielson.

Commission Chairman Clyde Thompson welcomed those in attendance, noting the Commission has not made any decisions in regards to the proposed Animal Control Ordinance which would replace the existing one. He then solicited comments from those in attendance. Commissioner Thompson pointed out that some of these items in the proposed ordinance come from larger metropolitan areas in Northern Utah and the Commission was not sure if they are applicable in our area, particularly in the licensing of cats. He indicated that the present ordinance is old and that it was thought that it should be upgraded.

Emery County Sheriff Lamar Guymon indicated that within an ordinance there is a fee schedule that needs to be spelled out. Those in attendance felt that a license for dogs only is discriminatory and that all animals should be licensed. Discussed were other possible problems and situations as to what should happen if dogs are not licensed. Those in attendance agreed that they need to be regulated, but the cost should not be absorbed by those who want to obey the law and license them, but it should be fair and equitable for all. Also suggested was that the Commission stay with the present Animal Control Ordinance and not adopt a revised one. They also requested that they have additional input when a draft is available. Those in attendance requested a copy of the Animal Control Ordinance before the Commission considers it further. Those present also felt that licensing is difficult to enforce, particularly on cats. Further discussed was the age for rabies shots for animals. Those in attendance were opposed to shots by registered

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January 18, 1989

Animal Control Ordinance, cont. ...

veterinarians. They felt that Stan Nielson could witness the giving of shots as well as nonimmediate family members.

After further discussion, Commission Chairman Clyde Thompson closed this portion of the meeting as it related to the Animal Control Ordinance at 3:10 p.m. and continued with other business.

#### PERSONNEL ITEMS

Emery County Personnel Technician Pat Snowball presented the following Personnel Action Forms:

A) Gayle Jensen of the Sheriff's Department - Reclassification - Presented to the Commission was the Personnel Action Form for Gayle Jensen of the Sheriff's Department to be reclassified from a Dispatcher at a Grade 9, Step 1 or salary of \$1,531.64 to that of a Patrol Deputy at a Grade 11, Step 1 or a salary of \$1,710.00 per month. It was indicated that he has completed POST. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the reclassification of Gayle Jensen as presented to be effective February 1, 1989. Motion was approved by all members present.

B) Tom Humphrey - Road Department - Reclassification - Presented was the Personnel Action Form for Tom Humphrey of the Road Department whose job classification is to change from that of Assistant Highway Superintendent at a Grade 15,



Step 5 or a salary of \$2,335 per month to that of a Mechanic at a Grade 11, Step 9 or a salary of \$2,147 per month. Motion was made by Commissioner Jerry Mangum to approve the reclassification of Tom Humphrey as presented to be effective February 1, 1989. Motion was seconded by Commissioner Duane Collard and approved by all members present.

C)Wendi Curtis - Clerk's Office - Reclassification - Presented was the Personnel Action Form for Wendi Curtis of the Clerk's Office to be reclassified from a Deputy Clerk at a Grade 5, Step 1 or salary of \$1,176.96 per month to that of a Court Clerk at a Grade 6, Step 1 or salary of \$1,243.00 per month. It was indicated that she has now been certified as a Court Clerk and records were presented from Tim Simmons as well as her certificate from the academy, noting that this training is required for functioning in the Courts. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the reclassification of Wendi Curtis as presented to be effective February 1, 1989. Motion was approved by all members present.

MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:39 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

bB00s2

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

February 1, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the Agenda was made.

#### COMMISSIONERS MINUTES

The minutes of the January 18, 1989 Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

The minutes of the Special Meeting of the Board of Emery County Commissioners held on January 24, 1989 were presented and reviewed. A motion was made by Commissioner Jerry Mangum to accept those minutes as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

#### (2) AUDITOR'S BUSINESS

Emery County Auditor Karen Truman informed the Commission that there were no warrants for Commission consideration at this time.

The following requisitions were presented for Commission approval:

Req #	Item and Department	Cost	Action
89-10	John Deere ATV - Mosquito		\$2,900.00 Approved
89-11	Waste oil heater - Road	\$4,270.00	Approved

A motion to approve the above requisitions was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

February 1, 1989

(3)

DANNY JOHNSON-LACK OF SNOWMOBILE FACILITIES IN THE COUNTY

Those people present were Danny Johnson, Kean Luke, Karen Truman, Lamar Guymon, and Rex Funk from the County Road Department. Mr. Danny Johnson came before the Commission to discuss the lack of snowmobile facilities in the county. He indicated that there are no snowmobile trails in the county that are groomed. Referring to the fact that he has spent nearly three hundred dollars in sales tax, property tax and registration for his snowmobiles he felt that there should be some benefit provided by the county, particularly in the north end. He felt that nothing was being done by any of the state agencies. He pointed out that there is a designated trail in Emery County which goes from Huntington Canyon to Joe's Valley, but the public is not allowed to park vehicles at the start of the trail. He feels there is a need for additional parking and that little time or effort by the Utah Department of Transportation could better facilitate that need. He also felt that snowmobilers and others using the area are being harassed by those agencies and that the trails are not flagged, that there are no restroom facilities, and that there could be plenty of parking. His comment was, "You don't give me anything, don't charge me anything".

Commission Chairman Clyde Thompson indicated that the county would discuss this further with the Utah Department of Transportation, noting that the road is not sufficient in width for additional parking. Mr. Kean Luke from the Park Service was also in attendance and pointed out that the Utah Department of Transportation doesn't want people parking in that area and so no signs or flagging of the trail have been done. He told the Commission that there isn't sufficient money for frequent grooming of the trails, also that there is only enough money for grooming the trails three or four times a year. The trail has already been done twice prior to the tenth of January and is scheduled to be done again this week. His agency is interested in improving those things, but it requires the co-operation of the Utah Department of Transportation, the Forest Service and the County to improve the facilities for parking, etc. The Commission Chairman, Clyde Thompson, responded that because of obligations in the Joe's Valley area, the county can make needed parking improvements there provided the Forest Service would approve. At the present time, county road crews are not in the Huntington Canyon area. Commissioner Duane Collard assured Mr. Johnson that the county would make an effort with involved agencies to see what could be done.

COUNTY ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk discussed with the Commission the demolition of houses on the property which will later accommodate the Emery County Museum. He has been advised by Jon Judd that the elevations on those properties were three feet low and

350 loads of fill would be required. Presently there are no sources of material and therefore, Mr. Funk asked the Commission for their directions on how to proceed. Commissioner Jerry Mangum recommended that Mr. Funk remove the buildings and level off the ground, but not to provide fill material at this time.

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Commission Minutes  
February 1, 1989

(5)  
SHERIFFS DEPARTMENT

A. Sheriff's office building in Green River

Emery County Sheriff, LaMar Guymon, updated the Commission regarding the possibility of purchasing a building in Green River at the cost of \$55,000.00. This building would be for use by the Emery County Sheriffs office and the Utah Highway Patrol. It would be purchased by Emery County and would be from the \$62,000.00 in drug forfeiture money that is due Emery County. The Commission asked Sheriff Guymon to pursue this further. B. Green River Ambulance-Mobile Command Post

Emery County Sheriff, LaMar Guymon, asked for Commission permission to use the old Green River ambulance and convert it to a mobile command post for the Emery County Jeep Posse. The Commission agreed that it would better facilitate those needs than purchasing further equipment.

(6)  
COUNTY ATTORNEY BUSINESS-COUNTY ATTORNEY VEHICLE

Emery County Attorney, Scott Johansen, indicated that the Cadillac that was received in a drug forfeiture, which would be used by his office, is in need of an engine rebuild. He estimated that it would be about \$1,500.00, with \$300.00 already taken off that amount. He assumed it would be a good automobile after that time. He indicated that if the Commission preferred, the county could spend \$700.00 on it and sell the vehicle, with an estimated value of \$3,000.00 to \$4,000.00. After further discussion by the Commission, it was recommended that County Attorney, Scott Johansen, proceed and authorize him to have the engine rebuilt.

(7)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12.04 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:22 pm with all members present.

(8)

#### PERSONNEL ACTION

##### A. Annette Allen - Assistant Librarian - Emery

Emery County Personnel Technician, Pat Snowball, presented the personnel action form for Annette Alien hired as the assistant librarian in Emery working 6 hours a week at the rate of \$5.00 per hour. This personnel action would be retroactive to January 17, 1989. Motion was made by Commissioner Duane Collard to approve the hiring of Annette Alien as proposed. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

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Commission Minutes  
February 1, 1989

Personnel Action, cont. ...

##### B. Deputy Clerk

Also presented to the Commission was the personnel action form for a Deputy Clerk which would authorize the Emery County Clerk to fill a vacancy created by the transfer of Jami Luce to the Data Processing Department. This personnel action would be effective immediately upon selection of an individual. This would be a grade 5 step 1 or a salary of \$1,176.00 a month. Discussion also was addressed as to whether this position should be a permanent position, as many applicants were reluctant to apply for a temporary position. The motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the personnel action form and to authorize the Emery County Clerk to proceed with hiring and filling of the vacancy in a temporary or permanent status according to the needs of the office and at the grade and step noted. The motion was approved by all members present.

(9)

#### DISPOSAL OF EMERY COUNTY NURSING HOME VEHICLE

John Bramal left with the Commission a disposition of fixed assets form for the 1981 Pontiac station wagon, serial #IG2AD35ASBP556993 which was totaled by him in an accident. The insurance company will pay to the insured, Emery County, the amount

of \$1,834.27 for the loss of the vehicle. The loss or damage was in the amount of \$2,084.27 less the deductible of \$250.00. Motion was made by Commissioner Jerry Mangum to approve the disposition of the Nursing Home vehicle and that funds received from that would be deposited in the Emery County General Fund. Motion was seconded by Commissioner Duane Collard and approved by all members present.

#### PMS COMPUTER CONTRACT

Emery County Attorney, Scott Johansen, informed the Commission that he had reviewed the contracts and agreements sent to Emery County from Progressive Management Services. He rewrote the purchase agreement making the changes that the Commission requested from the previous meeting. He has also redone the maintenance agreement to handle the Commission concerns. No changes were made in the software agreement. For Commission consideration at this time was the signing of three documents: the data processing software and equipment purchase agreement, the maintenance agreement, and the software license agreement. Motion was made by Commissioner Duane Collard to authorize Commission Chairman, Clyde Thompson, to sign the three documents and forward them to PMS for their signatures. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:13 pm was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

bB0053

#### MINUTES OF THE REGULAR MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS HELD IN THE EMERY COUNTY COURTHOUSE

February 15, 1989

Those present at the meeting were Commissioners Clyde Thompson and Duane Collard; County Attorney, Scott Johansen; and Deputy Clerk, Julie Winn. Commissioner Jerry Mangum was excused from the meeting.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:20 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the Agenda was made.

#### BOARD OF EQUALIZATION FOR PERSONAL PROPERTY

Commission Chairman Clyde Thompson opened the meeting to the Board of Equalization for Personal Property at 10:20 a.m. Commission Chairman Thompson inquired if there was anyone present or if any comments had been received in regards to personal property. There were none. Therefore, the Commission resumed the Regular Commission Meeting.

#### (2) COMMISSIONERS MINUTES

The minutes of the February 1, 1989, Commission Meeting are to be held for review until the next Commission meeting.

#### (3) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #890188 through and including #890315 for payment. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

Auditor, Karen Truman requested permission from the Commission to issue warrants and checks for uniform allowances for EMT's and Deputies without Commission signature. Motion was made by Commissioner Duane Collard to approve the issuance of warrants and checks for uniform allowances for EMT's and Deputies without Commission signature. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

There were no requisitions presented at this time.

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Commission Minutes  
February 15, 1989

(4)

ATTORNEY'S BUSINESS

County Attorney, Scott Johansen, informed the Commission that he has reviewed the Demille Engineering contract as requested by the Commission. After discussion, the Commission requested Mr. Johansen to change the contract to read that Emery County will own the preliminary drawings on the project. Motion was made by Commissioner Duane Collard that County Attorney, Scott Johansen make the requested changes to the contract and obtain Road Superintendent Rex Funk's signature and Jerry DeMille's signature. At that time, the contract should be brought back to the Commission for its signature and approval. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(5)

SHERIFF'S BUSINESS

Emery County Sheriff Lamar Guymon came before the Commission. He informed them that they have a 1983 Pontiac Bonneville with 115,000 miles. They would like to trade that vehicle and the Mazda for a Caprice Classic. He indicated that the dealership is looking into their proposal to see if it would be in line with the purchase price of the Caprice Classic. He further indicated that there is approximately \$3,000 remaining from the other vehicles sold if the dealership is going to require additional funds. No Commission action was necessary.

Sheriff Lamar Guymon informed the Commission that Deputy Richard Graham is back in the hospital with complications from his cancer. He indicated that Deputy Graham has enough accumulated and donated sick leave for approximately two months. No Commission action was necessary.

(6)

GREEN RIVER BUILDING -SKIP BELL

Skip Bell came before the Commission regarding Emery County's purchase of a building in Green River. Mr. Bell indicated that he is the current lessor in the building and that Emery County's purchase of the building at this time is bad timing for his business. He asked the Commission to reconsider their decision. Mr. Bell thanked the Commission for listening to his concerns.



Commissioner Duane Collard informed Mr. Bell that the County was not aware until yesterday that the building was leased. He stated to Mr. Bell that it is not Emery County's intent to hurt business in Green River by purchasing the building. However, arrangements were made prior to yesterday for the purchase of the building.

The Commission expressed appreciation to Mr. Bell for coming before them and addressing his concerns.

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Commission Minutes

February 15, 1989

(7)

ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 11 :45 a.m. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:05 p.m. with all members present.

(8)

PERSONNEL ITEMS

Emery County Personnel Technician Pat Snowball presented the following to the Commission:

A)Loralie C. Pearson - Deputy Clerk - Presented to the Commission was the Personnel Action-Form for Loralie C. Pearson who has transferred from the Treasurer's Office to the Clerk's Office. This is a change from a Chief Deputy Treasurer at a Grade 6, Step 1 or a salary of \$1,243 per month to a Deputy Clerk at a Grade 5, Step 2 or a salary of \$1,216 per month. This will be a permanent, full-time position with a six-month probationary period. This will be effective February 1, 1989. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form for Loralie C. Pearson as presented. Motion was approved by all members present.

B)JoAnn Taylor - Treasurer's Office - Presented to the Commission was the Personnel Action Form for JoAnn Taylor to be hired in the Treasurer's office as a Chief Deputy Treasurer at a Grade 6, Step 1, or a salary of \$1,243 per month. This is to be effective March 1, 1989. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form for JoAnn Taylor as presented. Motion was approved by all members present.

C)Linda Morrison - Road Department - Presented to the Commission was the Personnel Action Form for Linda Morrison to be hired at a 3/4 time status in the Road Department office as a Clerk at a salary of \$6.08 per hour for 30 hours per week. This is to be effective February 16, 1989. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form for Linda Morrison as presented. Motion was approved by all members present.

D)Pat Snowball - Attorney's Office - Presented to the Commission was the Personnel Action Form for Pat Snowball to be transferred from the Commission office as the Commission Secretary at a Grade 7, Step 6 or a salary of \$1,555 per month to the Attorney's office as a Legal Secretary at a Grade 7, Step 6 or a salary of \$1,555 per month. This is to be effective February 16, 1989. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form for Pat Snowball as presented. Motion was approved by all members present.

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Personnel Items, cont. ...

E)Personnel Requisition Form - Commission Secretary - Presented to the Commission was the Personnel Requisition Form for a secretary in the Commission office. This is a permanent full-time position at a Grade 5, Step 1 or a salary of \$1,176.00 per month. This will have an effective date of hire of March 1, 1989. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to authorize the recruitment process to begin for the hire of a Commission Secretary as presented. Motion was approved by all members present.

(9)

RESOLUTION 2-15-89 - AMENDMENTS TO THE EMERY COUNTY  
PERSONNEL POLICY

Emery County Personnel Technician, Pat Snowball presented to the Commission Resolution 2-15-89. This Resolution amends the Emery County Personnel Policy in the following areas: 1) Section VI-1 entitled, Employment Status, paragraph I; 2) The Class Specification of the County Librarian, Class Code 290, Grade 10, be amended within the Class Specification; 3) That the Class Specification of Branch Librarian Class Code 300, Grade 3, be amended within the Class Specification; 4) That Class specifications for County employees operating vehicles registered for more than 45,000 lbs. gross vehicle weight be amended within the Class Specification; 5) Section VII-1, entitled Transfer, Reassignment and Promotion, paragraph A, Transfers shall be amended; and 6) Section IX-1, entitled Fringe Benefits, page 2, paragraph e, shall be amended. Motion was made

by Commissioner Duane Collard to accept Resolution 2-15-89 as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(9)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 1:30 p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

bB0058

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

March 1, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Clyde Thompson.

A review of the Agenda was made.

#### COMMISSIONERS MINUTES

The minutes of the February 1, 1989 Commission Meeting were reviewed. Motion was made by Commissioner Duane Collard to approve the minutes as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

The minutes of the February 15, 1989 Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

#### AUDITORS BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #890358 through and including #890459 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

There were no requisitions presented for Commission's consideration at this time.

#### PERSONNEL ACTION

(A) Auditor's Office - Part-time person recruitment - Emery County Auditor, - Karen Truman, presented a personnel requisition form for a half -time person to work in the Auditor's Office. She has met with Jim Fauver and decided that they could not effectively share one person and therefore it was her request that this person be hired entirely for the Auditor's Office. Motion was made by

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March 1, 1989

Auditor's Business, cont. ...

Commissioner Jerry Mangum to authorize Emery County Auditor, Karen Truman to proceed with the recruitment process for a half -time person to work in the Auditor's Office, motion was seconded by Commissioner Duane Collard and approved by all members present.

## ASBESTOS DISPOSAL SITE - EMERY COUNTY SCHOOL DISTRICT

Mr. Mike Huntsman, Maintenance Supervisor for the Emery County School District came before the Commission with a proposal for an asbestos disposal site to be located at the Emery County land ill. The proposal sets forth guidelines for security, signing, and disposal procedures, etc. for the disposing of asbestos waste materials as required by the Environmental Protection Agency. His request of the Commission was that the Commission authorize and adopt this or a similar proposal to establish at the Emery County Land ill an asbestos disposal site. He indicated that the School Districts are involved in asbestos removal at this time, and in the very near future the counties would also be required to remove any asbestos material from county buildings, therefore, a site of sufficient size needs to be considered. Mr. Huntsman and Doyle Jensen, also of the School District, are the only two authorized asbestos inspectors in the area. He further explained to the Commission what is involved in removing asbestos from a building and the disposal of it. The Commission indicated to Mr. Huntsman that it would be the School Districts responsibility to make arrangements with the operator of the Emery County Land ill to excavate and prepare a site as well provide for covering as required. At this time the pit should be excavated sufficient for the School District needs. It was the consensus of the Commission that Mr. Huntsman proceed getting approval for the asbestos disposal site from the EPA. Upon approval of the proposal and the land site he should come back to the Commission for final approval.

## CONSOL MINE - LAYOFF

Emery County Commission Chairman, Clyde Thompson, reviewed with the Commission a letter he had received from Consol Mining. The mine indicated that they would be laying off approximately 75 workers from their mine south of Emery due to lack of demand for coal at this time. This action will take effect April 29, 1989.

## HOUSING OF STATE PRISONERS -CONTRACT

Commissioner Duane Collard presented to the Commission a contract to house State prisoners at the Emery County Detention Center. Motion was made by Commissioner Duane Collard to authorize Commission Chairman, Clyde Thompson, to sign the agreement in behalf of Emery County which reimburses Emery County at the rate of \$30.00 a day per prisoner. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(7)

JUSTICE OF THE PEACE, AREL HUNT - SEMINAR REQUEST

Request was received from Justice of the Peace, Arel Hunt, to attend a seminar in Nevada; the total cost being approximately \$800.00. After further discussion by the Commission, motion was made by Commissioner Duane Collard not to approve the request to cover expenses of Mr. Hunt to attend the seminar, explaining that it would be more advantageous for him to attend a seminar closer to home and more in line with his duties and responsibilities. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(8)

SWINGING BRIDGE - PUBLIC HEARING

Commission Chairman, Clyde Thompson, opened the meeting to the public hearing, indicating that the purpose of the meeting was to receive public input concerning the construction of a bridge across the San Rafael river immediately downstream from the existing "Swinging Bridge". Commission Chairman, Clyde Thompson, asked if any in attendance had any comments regarding the proposed project. Mr. LaMar Guymon of Huntington, Utah spoke to the Commission, expressing that he had no problem with construction of a new bridge provided that the old one remain in place and be limited to foot traffic only. He added that it has historic significance as well as being a tourist attraction. Mr. Guymon referred to the recent eagle scout whose project was to place a historical placque on the bridge. Mr. Guymon also indicated that this is possibly the last bridge of it's type in the Western United States. Commission Chairman, Clyde Thompson, inquired if there were additional public comment, there being none, motion was made by Commission Chairman, Clyde Thompson, to close the public hearing noting that no other written or oral comments had been received by the Commission in regards to the project. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(9) STATE LANDS AND FORESTRY -ED STORY

Mr.Ed Story who is the new Regional Manager of Public Lands for State Lands and Forestry, came before the Commission to inform them of the new State Lands and Forestry boundary changes. He further informed the Commission that they are in the process of considering dividing the Carbon and Emery County areas and hiring two part-time seasonal fire wardens who would be paid at the rate of \$200.00 per month plus an hourly rate of \$5.40 to fight fires. Mr. Story emphasized that this would reduce travel and should be an advantage to both counties. Commissioner Duane Collard's comment was that it appeared to be a good arrangement but questioned how this would affect Richard Wright who is presently employed under this program and what would be the cost savings that Emery County could expect. Mr. Story responded that he would meet with Richard Wright and review his present status and further advised the Commission as

to any effect this may have on him. He felt the cost to Emery County would probably stay the same, with the possibility of some reduction.

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#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:00 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:22 p.m. with all members present.

#### ROAD DEPARTMENT BUSINESS

A)Tire Bids - Road Superintendent, Rex Funk, presented to the Commission price quotations for purchase of various sized tires and tubes for the Emery County Road Department. Bids were received from Dinosaur Tire, Castle Valley Co-op, and Gilly's in Ferron. Dinosaur Tire Service was the low bidder at a cost of \$12,703.75. Motion was made by Commissioner Jerry Mangum to accept the bid from Dinosaur Tire Service of Price, Utah in the amount of \$12,703.75, motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

B)Class B Road Revenue, Proposed Equipment Purchases - Presented to the Commission for their signature was the Road Department Equipment disposition from B revenues for the following maintenance related items: One 60-ton lowboy, one 5-yard rubber tired loader, ten utility trucks, and one utility tractor. The totaled costs of approximately \$302,000.00. Commissioner Jerry Mangum signed the same, indicating that this is not a commitment on behalf of the Commission to purchase these items at this time.

C)Equipment Disposal - Exchange - Presented to the Commission for their signature was the disposition form for disposing of a 1942 Rehold Lowboy, Emery County fixed asset #2256 to be traded to Doug's Salvage Co. for a 1958 35-foot flat-bed trailer. A motion was made by Commissioner Jerry Mangum to approve the disposition, disposal and trade of the Rehold Lowboy for a 35-foot flat-bed trailer, motion was seconded by Commissioner Duane Collard and approved by all members present.

D)Disposal of Surplus Property - Also presented to the Commission for their consideration-was-the disposition form disposing of 1980 Pontiac, serial #21269WAP-157310 to be transferred to the Emery County Nursing Home. Motion was made by

Commissioner Jerry Mangum to approve the disposition and transfer of the 1980 Pontiac to the Emery County Nursing Home, motion seconded by Commissioner Duane Collard and approved by all members present.

E)Post hole Digger - Road Superintendent, Rex Funk, reviewed proposals he had received from various equipment distributors in the area regarding a three point hook-up type posthole digger, he explained that he needs a heavy duty one for use in the Miller's Canyon area. He reviewed the pricing with the Commission, who felt that it was in line; therefore motion was made by Commissioner Jerry Mangum to authorize Road Superintendent, Rex Funk, to proceed with the purchase of the Posthole Digger as described. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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Road Department Business, cont. ...

F)Road Crack Seal - Presented to the Commission were bids received from M&E Outdoor Maintenance Engineering, Hale Sand and Gravel, and M&M Maintenance for sealing of the cracks on County roads. It was estimated that it would take approximately 30 tons of material to do the job. The low bid was from MOE Outdoor Maintenance at a cost of \$1040.00 per ton with Hale Sand and Gravel being at \$1290.00 per ton and MOM Maintenance at \$1350.00 per ton. Motion was made by Commissioner Jerry Mangum to recognize the low bidder, M&E Outdoor Maintenance Engineering, at a price of \$1040.00 per ton and authorize the work to be done, motion was seconded by Commissioner Duane Collard and approved by all members present.

G)Road Department, -Effective Communication Equipment - Road Department Superintendent,-Rex Funk, discussed-at-length with the Commission the Radio communication problems in the Road Department. He also submitted to the Commission a request for 35 booster adapters to increase the wattage of the present radio from 35 watts to 100 watts. Commissioner Duane Collard recommended that a better communication system could be obtained by also using the Horn Mountain transmitter, and a dispatcher in the road office. Commissioner Collard further noted that in discussing the problems with Bret Mills, of the communication department and County Sheriff LaMar Guymon that 35 watts is sufficient and that he would follow up and meet Bret and LaMar to resolve the problems as best possible. It was the consensus of the Commission that Rex Funk be authorized to purchase 6 booster adapters on a trial basis and that in the meantime efforts be made to further resolve the matter.

PERSONNEL ACTIONS



Emery County Personnel Technician Pat Snowball presented the following personnel action forms for Commission consideration:

A) Road Department - Randall Stilson Presented to the Commission was the Personnel Action form for Randall Stilson of Orangeville, Utah to be hired as a weed mower operator at the rate of \$8.00 per hour at a temporary, seasonal position for nine months. Motion was made by Commissioner Jerry Mangum to approve the personnel action for Randall Stilson to be hired as a weed mower operator at a wage of \$8.00 per hour as a temporary, seasonal position effective March 1, 1989 on a six month basis with a possible extension after review.

B) Road Department - Zen Majors Presented to the Commission was the Personnel Action form for Zen Majors of Huntington, Utah also to be hired as a weed mower operator on a temporary, seasonal basis for five months at \$8.00 per hour. After discussion, motion was made by Commissioner Jerry Mangum to approve the personnel action for Zen Majors as a weed mower operator effective March 16, 1989 to be paid \$3.00 per hour as a temporary, seasonal employee. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

C) Sheriff's Department - James Gordon, resignation Presented to the Commission was a personnel action form for James Gordon of the Sheriff's Office

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Personnel Action, cont. ...

who has resigned. The purpose at this time is to sign the personnel action form and complete the paper work; Mr. Gordon has resigned and is no longer employed by the County. Motion was made by Commissioner Jerry Mangum to accept the resignation and approve the personnel action form terminating James Gordon from the Emery County Sheriff's Department. Motion was seconded by Commissioner Duane Collard and approved by all members present.

D) Personnel Department - Kathryn Cannon- Presented to the Commission by the Auditor's Office was the personnel action form regarding Kathryn Cannon, who is presently a secretary in the Sheriff's Department on a Grade 5 Step 1. She has taken over the Ambulance billing and has made numerous improvements and additions to the computer program as well as put the ambulance on a paying basis. Commissioner Collard also emphasized that she has assumed more responsibilities and recommended that she be placed on a Grade 5 Step 2. Commissioner Jerry Mangum questioned this to whether other employees in the County need to be looked at. Pat Snowball responded that she has reviewed the personnel records as requested by Commissioner Collard and that there are some in the Road Department, the Sheriff's Office and the Auditor's Office who are still at the entry Grade and Level of the salary schedule. After further discussion

it was the consensus of the Commission and motion was made by Commissioner Duane Collard that the personnel action form in regards to Kathryn Cannon be tabled at this time in order to allow the Commission time to determine how many other County employees are in the same situation, in that their entry level has not changed as well as making a determination in those departments if sufficient monies are there to make an adjustment. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### DENNIS FULLER - CUSTODIAL CONTRACT INCREASE -----

Emery County Attorney, Scott Johansen, at the request of Dennis Fuller appraised the Commission that Mr. Fuller assumed that on January 1, 1988 that he would receive a \$60.00 a month increase which had been presented to the Commission in August of 1988. The Commission had the understanding that Mr. Fuller was presently receiving that increase as budgeted, therefore motion was made by Commission Chairman, Clyde Thompson, to increase Dennis Fuller's custodial contract by \$60.00 a month, effective January 1, 1989. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:40 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS HELD IN THE EMERY COUNTY COURTHOUSE

March 15, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the Agenda was made.

#### COMMISSIONERS MINUTES

The minutes of the March 1, 1989 Commission Meeting were reviewed. Motion was made by Commissioner Jerry Mangum to approve the minutes as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

#### (2) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #890556 through and including #890721 for payment. Motion was made by Commissioner Duane Collard to approve all warrants for payment except the one for the copy machines in the Sheriff's Department and in the Green River office. He noted that they exceeded the amount which was authorized by the Commission. The Commission would authorize up to \$10,200.000 out of the Courthouse budget, the balance is to be taken from the Sheriff Department budget. Commissioner, Duane Collard to review this with the Sheriff. Whereupon motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Presented were the following requisitions for approval:

Item and Department	Cost	Action
12 6-Amplifiers - Road Department	\$1,200.00	approved
13 Shelving - Assessor's Office	445.90	approved
14 Dishwasher - Sheriff's Dept	419.95	approved
15 Conveyor Belt Scale - Road Dept	6,465.00	approved
16 Conveyor Belt - Road Dept	10,930.00	approved
17 4-Heavy Duty Pickup - Road Dept	57,572.00	approved
18 Posthole Digger - Road Dept	1,651.00	

approved

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(3)

SURPLUS PROPERTY DISPOSAL - SHERIFF'S OFFICE

Emery County Auditor, Karen Truman, presented to the Commission the disposition form for the disposal of a 1986 Mazda RX7, serial number JMIFC3311G01171s2, which was seized in 1987 and a 1984 Pontiac Bonneville, serial number IF2ANG9H4EB200734, taken out of service in the Sheriff's Department. She added that these two vehicles will be traded in on the purchase of a new Sheriff Department vehicle. Motion was made by Commissioner, Duane Collard, and seconded by Commissioner, Jerry Mangum, to approve the disposition of the vehicles as requested. Motion was approved by all members present.

(4)

FOUR CORNERS MENTAL HEALTH

A)Peer Helper Group - Contribution

Commission Chairman, Clyde Thompson, reviewed with the Commission a letter he had received from Emery Jones of the Four Corners Mental Health. Mr. Jones noted that the Emery County Commission has budgeted annually \$500.00 for alcohol and drug education for the Peer Helper group. In the past, they have used this money to attend the University of Utah training seminar in Salt Lake City. Mr. Jones and the Peer Helper Group would rather attend educational seminars in New Orleans. They would like to apply the \$500.00 to offset those costs and added that the Emery County School District will also participate with funding as well as the students. (Approved - see below)

B)Governor's Youth Task Force

Also presented to the Commission was another letter from Emery Jones requesting Commission approval for three students to serve on the Governor's Youth Task Force on substance abuse. He noted that one should be a senior, one a junior and one a sophomore. Recommended were the names of Marcy Barnes, President of the Peer Helpers; Charlene Cannon, Vice President of the Group and Cindy Snow, the sophomore representative.

Whereupon motion was made by Commissioner, Duane Collard to approve \$500.00 as requested to apply towards the New Orleans trip for the Peer Helper Group and to approve the three names as presented to serve on the Governors Youth Task Force on substance abuse. It was the recommendation of the Commission that more boys get involved with the Peer Helper Group. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(5)  
RIDGE ROAD ALIGNMENT - RAILROAD

Commission Chairman, Clyde Thompson, reviewed a letter received from Alice Shearer, Chairperson of the Community Impact Board. She noted that the Community Impact Board has approved Carbon County's request for the Ridge Road Alignment, which is a coalhaul road. They expressed their support for the Emery County Commissions' consideration for a rail system into Emery County. She further noted that Ed Alter, State Treasurer, also supports this project; as well as the Utah Department of Transportation because of the damage caused

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to the highways due to coal hauling. The consensus of the Commission was that efforts be made to contact Carbon County to see if a railroad overpass could be installed as part of the Ridge Road Alignment, should Emery County at some future time decide a railroad is feasible.

(6)  
PERSONNEL ACTION

Emery County Auditor, Karen Truman, presented the personnel action forms for Commission consideration on the following individuals:

A) Leslie Bolinder To serve as Commission Secretary at a Grade 5 Step 1 or a salary of \$1176.00 per month, this is a full time position effective March 13, 1989. Motion was made by Commissioner, Jerry Mangum, to approve the personnel action form in the hiring of Leslie Bolinder as the Commission Secretary as stated. Motion was seconded by Commissioner, Duane Collard, and approved by all members present.

1) Albert Faast Presented to the Commission was the personnel action form for Albert Faast of Green River. He is to be employed as the Green River Library General Maintenance person, to be paid \$25.75 per month on a permanent, part-time basis effective March 1, 1989. He would replace Clell Duncan, who has resigned from that position. Motion was made by Commissioner, Duane Collard, to approve the hiring of Albert Faast as the Green River Library Maintenance person at a salary of \$25.75 per month for maintenance on the Green River Library. Motion was seconded by Commissioner, Jerry Mangum, and approved by all members present.

C) Gene Strate, -Deputy-County Attorney - Resignation Presented to the Commission was the Personnel Action form for Gene Strate who has resigned as Deputy

County Attorney, effective March 15, 1989. County Attorney, Scott Johansen, informed the Commission that effective March 1, 1989, he gave Mr. Strate 60 days notice in terminating the civil drug forfeiture contract between Emery County and Mr. Strate. Mr. Strate will continue in this civil drug forfeiture agreement until May 1, 1989.

Whereupon, motion was made by Commissioner, Jerry Mangum, to accept the resignation of Gene Strate, who has resigned as Emery County Deputy Attorney. With appreciation for the support and efforts he has rendered Emery County, motion was seconded by Commissioner, Duane Collard, and approved by all members present.

(D) Kathleen Cannon, Lee Ann Skipps, Leslie Reese D) Commissioner, Duane Collard, reviewed with the commission the action taken in the March 1, 1989 Commission meeting wherein the Commission tabled the proposed salary step increase to Kathleen Cannon of the Sheriff's Department. Time was required so that it could be determined whether other County employees might also remain still on the same Grade 5 Step 1 entry level of the salary schedule. Mr. Collard indicated that he and Personnel Technician, Pat Snowball, have looked for other employees in the County who had not had any salary increase since their hire or remain at Grade 5 Step 1 since their hire and having completed their probationary period. He noted that Lee Ann Skipps, who has been with the County several years; Leslie Reese and Kathleen Cannon are still at the entry level of a Grade 5 Step 1. Whereupon motion was made by

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Commissioner, Duane Collard, to approve the personnel action form changing the salary of Lee Ann Skipps, Kathleen Cannon, and Leslie Reese if monies are available in those departments to be changed from a Grade 5 Step 1 to a Grade 5 Step 2, effective March 15, 1989. Motion was seconded by Commissioner, Jerry Mangum, and approved by all members present.

(7)  
WESTERN POWER LAW SUIT

Appearing before the Commission was Mr. Gene Hess, Area Manager, for Utah Power and Light and Mike Kelly, Legal Counsel for Utah Power and Light. These men came before the Commission in regards to the action of UP&L with other municipalities and counties versus Western Area Power Administration. They informed the Commission that UP&L has reached a settlement agreement in the law suit. They have given up their claim, which will result in a .75% rate decrease over the next eight years for those counties and municipalities which participated with UP&L in the lawsuit. Emery County being one of the plaintiffs in this action. Mr. Kelly indicated that they now need all the counties and cities listed as plaintiffs to agree to the settlement. He

noted that it requires concurrence by all the plaintiffs for the action to be fully settled. Commission Chairman, Clyde Thompson, inquired if such a settlement would disqualify Emery County for any future preference of power, and Mr. Kelly indicated that it wouldn't affect the county in the future qualifications for power. Emery County Attorney, Scott Johansen, raised several questions in regard to the issue; if the new rate decrease applied only to those who participated as plaintiffs or if the rate decrease would be to all users. Mr. Hess and Mr. Kelly both indicated that it would be just to those who participated as plaintiffs in the action. Mr. Johansen and also the Commission pointed out that in the beginning, UP&L agreed to pay all the attorney fees in the action, and now it appears that the attorney fees will come out of the settlement first; which was not what was originally agreed upon. It was indicated by those present that the original intent was that UP&L pay the legal fees and that surplus power obtained would be sold to other users, therefore UP&L would recoup those legal costs. After further discussion it was the consensus of the Commission that more time was needed for further consideration and Mr. Kelly is to correspond and provide the requested information to County Attorney, Scott Johansen. Motion was made by Commissioner, Duane Collard, to table the matter until the next Commission meeting and after proper notification of the agenda item has been made. Motion was seconded by Commissioner, Jerry Mangum, and approved by all members present.

(8)  
ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:10 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:24 p.m. with all members present.

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(9)  
ROAD DEPARTMENT BUSINESS

A) Jerome Idaho Visit Emery County Road Superintendent, Rex Funk, requested permission of the Commission to allow himself and Mike Jensen of the Road Department to make a trip to Jerome, Idaho. They would like to further investigate the enzyme treatment which has been used on the roads in Emery County, noting that it would be of great importance in determining any future problems with the product. Whereupon motion was made by Commissioner, Jerry Mangum, to authorize two days out of State travel and expenses for Rex Funk and one other person from the Road Department to

Jerome, Idaho as requested. Motion was seconded by Commissioner, Duane Collard, and approved by all members present.

B) Equipment Purchase Auctions Also requested by Rex Funk was the Commission's permission for he and Commissioner, Jerry Mangum, Commission over the Road Department, to attend two heavy equipment auctions. One in Casper, Wyoming on the 6th of April and one in Vernal, Utah on April 11th. After further review, motion was made by Commissioner, Duane Collard, to authorize and give approval for Rex Funk and Commissioner Mangum to travel to the two auctions in an effort to obtain a loader and other necessary equipment for the Road Department. Motion was seconded by Commissioner, Jerry Mangum, and approved by all members present.

C) Equipment Purchases The following equipment quotes were received by the Emery County Road Department:  
One posthole digger with auger - Nay Equipment Company, Richfield, Utah submitted a bid of \$1,736.00 for the post hole digger with a hydraulic down pressure kit. Equipment Center, also of Richfield, quoted a price of \$1,651.00. Prior approval for purchase of this item was given in Commission meeting of March 1, 1989 and was to be included in the requisitions of this meeting.

Four 3/4 ton-Heavy- Duty. Diesel Pickups - the following bids were received at a unit cost as follows: Hinckley Dodge - \$14,393.00; Labrum Ford - \$16,343.00; Mountain View Motors - \$15,304.00; Merrill Ford-Mercury - \$16,475.00; Great Basin Trucks - \$13,435.00, which was not a 4X4 Pickup or equivalent of other bids submitted; Freedom Ford-Mercury - \$16,827.00; Given Ford - \$15,544.52. Because of problems associated with General Motors deisel engines it was Road Superintendant, Rex Funk's, recommendation that they not be considered at this time. Whereupon Commission signed the pruchaserequisition to be included with the requisitions of this meeting for four 3/4 ton deisel pickups to be purchased from Hinckley Dodge under the State contract in the amount of \$14,393.00 or a total price of \$57,572.00 for the four 3/4 ton deisel pickups for the Road Department.

D) Bid for a Conveyor Belt Scale Submitted also to the Commission was the bid for a Conveyor Belt Scale, noting that the only bid received back was from Accurate Weighing Company in the amount of \$6,465.00. Kimball Equipment Company declined to bid and Northwest Crushing Company was out of business. It was the consensus of the Commission to include this in the requisitions of this meeting and the Commission signed the same.

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E) Conveyor Belt Presented to the Commission was the purchase requisition



for a conveyor belt (30" X 150'). It was noted that only one bid had been received back, from Kimball Equipment Company in the amount of \$10,930.00; Northwest Crushing is out of business and not able to bid; Reeses Metalwork had not responded back after several contacts. Whereupon Commission signed and approved the requisition to be included in the Requisitions of this meeting.

#### STATE TAX COMMISSION OFFICE CONTRACT

Emery County Attorney, Scott Johansen, reviewed with the Commission a letter he received from Emery County Assessor, Jim Fauver, in regards to the State Tax Commission office contract for motor vehicles. He noted that with the proposed contract they would reimburse Emery County in the amount of \$8,572.20 annually, this it is up from last years agreement which was \$6,429.15. Mr. Fauver reviewed in the letter his concern that this does not fully compensate Emery County for the operation of the State Tax Commission office, which also includes an office in Green River. It was the consensus of the Commission that the county owed to the residents of Emery County the convenience of a local office for the obtaining of license plates, and transferring titles, and etc. The Commission also felt that the State has not given Emery County much of a choice in the past, with the only alternative being to move the office to Price with all transactions as far as possible being conducted through the mail. After further consideration, motion was made by Commissioner, Duane Collard, to authorize Commission Chairman, Clyde Thompson, to sign the contract in the amount of \$8,572.20 as the annual reimbursment to Emery County. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### STEVE KILLPACK - EMERY COUNTY DEPUTY ATTORNEY

Emery County Attorney, Scott Johansen, advised the Commission that he has been in contact with Steve Killpack. Mr. Killpack has agreed to a contract with Emery County as a Deputy County Attorney in handling the Civil matters for the County. The contract will include an annual salary of \$40,000.00 per year for 30 hours of work per week. Mr. Johansen explained that this position would not include any benefits, and that Mr. Killpack would not be an employee of the County but work strictly on a contractual basis, with an indefinate date. The terms of the agreement would be finalized and brought back to the Commission at a later time for signature. Whereupon motion was made by Commissioner, Duane Collard, to retain Steve Killpack on a contractual basis as presented. Motion was seconded by Commissioner, Jerry Mangum, and approved by all members present.

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:25 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

bB0055

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

April 5, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce C. Funk.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the March 15, 1989 Commission Meeting were reviewed and amended. Motion was made by Commissioner Jerry Mangum to approve the minutes as amended. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #890732 through and including #890868 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment, including any additions. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Department	Cost	Action
19	1-1989 Dodge 3/4 ton Pickup, W&M	\$14,393.00	approved
20	1-John Deere ATV, Weed & Mosquito	408.00	approved
21	1-Cabinet safe, Sherriff Office	1,120.00	approved
22	1-Fuli Camera, Sheriff Office	229.95	approved

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisitions for purchase. Motion was approved by all members present.

(3)  
PERSONNEL ACTION

Emery County Auditor, Karen Truman, presented to the Commission the following personnel action forms:

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A. Tom Bell - Temporary, seasonal caretaker of Bear Canyon Campground. Presented to the commission for their approval was the personnel action form for

Tom Bell of Orangeville to be hired as a temporary, seasonal employee as caretaker at the Bear Canyon Campground. This action has an effective date of March 16, 1989 to be paid at a rate of \$6.00 per hour. Motion was made by Commissioner, Jerry Man&um and seconded by Commissioner, Duane Collard to approve the hire of Tom Bell as a temporary, seasonal employee at the Bear Canyon Campground effective March 16, 1989. Motion was approved by all members present.

B. Debbie Hansen - seasonal employee in the Assessor's Office. Presented was the personnel action form for Debbie Hansen of Huntington, Utah to work in the Assessor's office as a temporary, seasonal employee to be paid at a rate of \$5.00 per hour effective March 20, 1989. Motion was made by Commissioner, Duane Collard, to approve the hire of Debbie Hansen at the rate of \$5.00 per hour as a temporary, seasonal employee effective March 20, 1989. Motion was seconded by Commissioner, Jerry Mangum and approved by all members present.

C. Terry Lyn Draney - Deputy Assessor in Assessor's office. Commission considered the personnel action form for Terry Lyn Draney to be hired as a permanent

employee in the Assessor's Office as a Deputy Assessor at a Grade 5 Step 1 or a salary of \$1176.00 per month. Motion was made by Commissioner, Jerry Mangum, to approve the hire of Terry Lyn Draney as a Deputy Assessor at a Grade 5 Step 1, salary of \$1176.00 per month effective April 1, 1989. Motion was seconded by Commissioner, Duane Collard, and approved by all members present.

D. David L. Wilson - Deputy auditor. Presented to the Commission for their consideration was the personnel action form for David L. Wilson of Huntington, Utah to serve as a Deputy Auditor at a rate of \$6.08 per hour in a permanent, part-time position of 20 hours per week effective April 3, 1989. Motion was made by Commissioner, Jerry Mangum and seconded by Commissioner, Duane Collard, to approve the hire of David L. Wilson as a Deputy Auditor at a rate of \$6.08 per hour on a permanent, part-time position of 20 hours per week. Motion was approved by all members present.

E. Assessor's office - Personnel Actions. The following personnel action forms were presented for Commission consideration from the Assessor's Office:

Gayla Luke - at a Grade 5 Step 2, salary of \$1216.00 per month to receive a pay adjustment to that of a Grade 5 Step 3 or \$1259.00 per month.

Janet Peterson - at a Grade 5 Step 5, salary of \$1308.00 per month to that of a Grade 5 Step 6 or \$1394.00 per month.

Carol Riddle - at a Grade 6 Step 1 salary of \$1243.00 per month to Grade 6 Step 2 salary of \$1285.00 per month.

Dixie Swasey - at a Grade 6 Step 5 salary of \$1423.00 per month to a Grade 6 Step 6 salary of \$1472.00 per month.

After review, it was the consensus of the Commission and requested of Commissioner, Duane Collard, that since he has not had an opportunity to review these requests from the Assessor's office that no action be taken at this time.

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April 5, 1989

#### COMMISSION BUSINESS

Snow Measurements Commission Chairman, Clyde Thompson, informed the Commission##### he had received notice of the water measurements on the forest for this time of the year. He noted that Seely Creek is 120% of normal, Buck Flats is 96% of normal for a County average of 85%, noting that some areas are far below normal. Commissioner Collard inquired as to the Huntington area. Ira Hatch of the US Forest Service, who was in attendance at this meeting, indicated that it appears that Huntington Canyon runoff is not much better than last year, ranging from approximately 80-85% runoff.

B. NACO Alert - PILT Monies Commission Chairman, Clyde Thompson, informed

those present that NACO has advised those counties receiving PILT that the Federal Government is looking at a 20% reduction in mineral lease monies and timber receipts. It was the concensus of the Commission that Commission Chairman, Clyde Thompson, fill out the inquiry in support of no reduction in mineral lease monies.

C.Cable TV Guide Gommission Chairman, Clyde Thompson, noted that he has received a request from TCI Cablevision in regards to the Gable TV Guide. This guide can be supplied free to customers, but postal regulations require that at least 50% of the customers sign cards requesting the Guide in order for it to be mailed out under bulk rates. Those persons interested in the Guide should contact the Gable Television office in Price for further information and in making their request.

D. Airport Construction Programs Commissioner, Jerry Mangum, reviewed the progress on the upcoming airport projects, noting that grant monies will be received for crack sealing the runways. As to extending the runways, he felt encouraged in that grant monies are available, at least for half of the construction costs.

E. Mineral Lease Monies - Emery County Special Service District #1 The County Attorney, Scott Johansen, to review the progress on the Mineral Lease monies due Emery County. County Attorney, Scott Johansen, felt that all necessary information had been submitted, the only delay being a required meeting of the Service District governing board, thereafter a formal request would be made for those funds. After further discussion it was the consensus of the Commission that the formal meeting was not required, and that the Attorney should now submit a request for those funds. Gounty Attorney, Scott Johansen, will follow up on this matter. He also recommended that when the County provides legal service to the Service District, that costs for those services be reimbursed to the County General Fund.

F.Forest Service Annual Visit The following were in attendance from the US Forest Service: John Neibergall, District Ranger; Ira Hatch, District Ranger; George Morris, Forest Service; Sharon Mitzlen, staff assistant; and Aaron Howell, Forestry Engineer. Mr. Morris indicated that the purpose of their attendance at the Gommission meeting was to get better acquainted and to talk about some of the Forest Service programs and ideas. They felt it was important to improve working relationships between the Forest Service and the

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County so that both parties could better serve their constituents. He further encouraged Joint programs which would be of a financial benefit to both the Forest Servioe and the County wherein the Forest Service could furnish money and the County equipment under a partnership arrangement. Also discussed with those in attendance were the roads, range management programs, Link Canyon, and the road to Emery

County communication site. Mr. Neibergall also discussed with the Commission the status of the Ferron Reservoir. He indicated that work would probably begin in the summer of 1990 after test results are in. It was agreed by all present that a winter parking lot at the top of Huntington Canyon must be given further consideration by all agencies.

(5)

COMMISSIONER MANGUM EXCUSED FROM MEETING

Commission Chairman, Clyde Thompson, excused Commissioner, Jerry Mangum, from the remainder of the meeting so that he could attend a funeral.

(6)

RSVP PROCLAMATION - HATS OFF TO RSVP VOLUNTEERS DAY

carolin Randall, Director of the Emery County RSVP, presented to the commission

a proposed proclamation. She asked that the Emery County Board of Commissioners Join the National Association of RSVP Directors in their nationwide celebration proclaiming the day of Friday, April 21, 1989 as "Hats Off to RSVP Volunteers" day in Emery County. Whereupon motion was made by Commissioner, Duane Collard, seconded by Commission Chairman, Clyde Thompson, that the Emery county Commission Join the national Association of RSVP Directors and set Friday, April 21, 19.39 as "Hats Off to RSVP Volunteers" day in Emery County. Motion was approved by all members present. Mrs. Randall also informed the Commission of the Recognition that she had received from the National Association of RSVP Directors, who recognized her for outstanding service the last two years in Region 8.

(7)

ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 11 :57 a.m. Motion was seconded by Commission Chairman, Clyde Thompson and approved by all members present.

Meeting reconvened at 1:45 p.m" with all members present.

(8)

EMERY JONES - PEER HELPER GROUP

commission Chairman, Clyde Thompson, noted that he had received a final request from Emery Jones in regards to the Alcohol and Drug training as discussed in the previous Commission meeting. He noted that now Mr. Jones' request is that those funds be used to attend the University of Utah program. Wherefore it was the concensus of the Commission that they approve this request.

April 5, 1989

(9)

#### WATER USER ASSOCIATION REQUEST

Commission Chairman Clyde Thompson, noted that the Commission previously budgeted \$450.00 for the Water Users Association and they now have applied for that money. After discussion, motion was made by Commissioner, Duane Collard, to approve the issuance of a warrant in the amount of \$450.00 to the Water Users' Association as requested. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

#### WATER RESTRICTIONS - ZONING

Ben Johnson and Jarma Johnson came before the commission to discuss the County Ordinance which requires people to have irrigation water on their property in order to build. They inquired of the commission if they could obtain a variance on the water requirement. Commissioner Collard indicated that the County could not give a variance, but consideration had been given to the possibility of deleting the water requirement from the ordinance. The intent of the ordinance was to keep people in the cities where services can be provided at a much reduced cost, thus helping the Service District pay off bonds. The Commission does not want to make the ordinance less restrictive, but does want to recognize those who are legitimate farmers. Commissioner Collard further noted that the irrigation ordinance has been difficult in the past to enforce. Mr. Johnson enquired whether the County was seriously considering deleting that requirement. The commission's consensus was that such action would require a public hearing with proper notification, and that they would give the subject further consideration.

#### DESERTVIEW CREDIT UNION - CHECK DESIGN

Mr. Scott McArthur, Director of the Desertview Federal Credit Union, came before the Commission seeking approval of a new check design which incorporates the Wilberg Memorial located in front of the Emery County Courthouse. He noted that it would help promote the coal industry. The intent was not to emphasize the tragedy but recognize the monument which is now a landmark of Emery County. It was the consensus of the Commission, provided Mr. McArthur contact Gary Prazen and that arrangements could be made with him to allow the use of the design, that the Commission would support it. Mr. McArthur expressed appreciation to the Commission for their support.

Mr. McArthur explained that his father and himself would not be discussing the bonding issue which was included in the agenda.

#### UTAH POWER & LIGHT - WAPA SETTLEMENT

At this time it was noted that Mr. Gene Hess of UP&L who was on the agenda but did not appear before the Commission in regards to the Utah Power & Light WAPA lawsuit settlement, therefore no action was considered or taken.

#### SURPLUS PROPERTY DISPOSAL

A. Presented to the Commission for their consideration was the disposition form from the Weed and Mosquito Department disposing of a 3-point hook-up backhoe which would be traded on other equipment to be purchased from Swains, Inc. in

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Murray, Utah. The fixed asset number #1668. Whereupon motion was made by Commissioner, Duane Collard, to approve the disposition of the backhoe as requested by Weed and Mosquito Supervisor, James Neilsen. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

B. Voting Booths - Ballot Boxes Emery County Clerk, Bruce C. Funk, informed the Commission that he would submit for Commission signature a disposition form for voting booths removed from the Cleveland voting district and also the Orangeville voting district. These were in poor condition and have been replaced by new voting booths. Mr. Funk requested that the old booths together with the old ballot boxes which the Clerks office has accumulated be stored in the van at the Road Department lot and held for Public Auction at a later time. Whereupon motion was made by Commission Chairman, Clyde Thompson, to authorize the signing of the disposition form covering the voting booths at Cleveland and Orangeville as well as the ballot boxes to be sold at Public Auction or to be disposed of as seen fit later by Commission. Motion was seconded by Commissioner, Duane Collard, and approved by all members present.

(14)

#### GRAND COUNTY AGREEMENT - FEMALE PRISONER HOUSING - RESOLUTION 4-5-89

Emery County Deputy Attorney, Steve Killpack, presented to the Commission for their final review and consideration the contract between Emery County and Grand County wherein Emery County would house Grand County female prisoners at the Emery County detention facility. Reimbursement would be at the rate of \$30.00 per day and would also indemnify Emery County. Mr. Killpack indicated that the Sheriff has reviewed the agreement and is satisfied with it. Therefore motion was made by Commissioner, Duane Collard, to authorize Commission Chairman, Clyde Thompson, to sign Resolution 4-5-89, as well as the agreement entered into by Emery County and Grand County for the housing of their female prisoners in the Emery County facility. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.



Other items briefly discussed by Mr. Killpack with the Commission were the easement on the gravel pit in the Huntington area, mineral lease monies. He noted that he had met with Tom Humphrey and that Mr. Humphrey will sign documentation that during his employment with Emery County as a grader operator that he graded the road east of the Swinging Bridge into the proposed wilderness area. Also discussed were mineral lease monies and how State Assessed properties might be further evaluated to determine that Emery County is receiving its fair share.

#### PUBLIC HEARING - AWARDING A DRUG CIVIL FORFEITURE CONTRACT TO COUNTY

Presented to the Commission for their consideration was a proposed notice of Public Hearing. The Emery County Commission would hold a public hearing pursuant to Section 17-16-14 of the Utah Code Annotated wherein the Commission would consider awarding a Drug Civil Forfeiture Contract to the Emery County Attorney, Scott Johansen. Public Hearing on this matter would be set for May 3, 1989 at 11 :00 a.m. This would be published in the Emery County Progress on April 11, 1989 and April 18, 1989. Wherein motion was made by Commissioner,

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Duane Collard, to approve the publishing and setting the date of the Public Hearing on May 3, 1989 at 11:00 a.m. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:00p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman, Clyde Thompson and approved by all members present.

#### MINUTES OF THE REGULAR MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

April 19, 1989

Those present at the meeting were Commissioners Clyde Thompson, and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m. At that time, Commissioner, Jerry Mangum, who is attending meetings concerning the wilderness issue out of the area was excused.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the Agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the April 5, 1989 Commission Meeting were held until the next Commission meeting, giving the Commissioners sufficient time to review them.

(2)  
CLERK'S BUSINESS

Emery County Clerk, Bruce C. Funk, presented to the Commission the proposed State Court contractual agreement for the fiscal year 1989-1990. This contractual arrangement between Emery County and the State of Utah is for services the Clerk's office provides to the Circuit and District Court. The County would then be reimbursed in the amount of \$112,838.00 to preform those services. This agreement pays for two full-time employees in the Clerk's office and necessary operating expenses as well as reimburses the County approximately \$34,324.00 for space. It was the County Clerk's recommendation that the commission approve and sign the same. Whereupon motion was made by Commissioner, Duane Collard, to accept and authorize Commission Chairman, Clyde Thompson, to sign the State Court contractual agreement for the fiscal year 1989-1990, wherein Emery County and the Clerk's Office contract with the State of Utah to provide those services at a reimbursment cost of \$112,838.00. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members.

A. Business Licenses

Emery County Clerk, Bruce C. Funk presented the following business licenses for Commission consideration:

- A. Ray A. Sandovah for "Meri'Loo" a septic pumping business.
- B. Dennis MCBellum for "Bellum Contenders" a gunsmithing business.

C. Maynard Allred for "At Photography" a photography business.

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April 19, 1989

Business Licenses...

After review, motion was made by Commissioner, Duane Collard, and seconded by Commission Chairman, Clyde Thompson, to approve the business licenses as presented. Motion was approved by all members present.

(3)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #890969 through and including #891133, and handwritten warrants 104-107 for payment. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment including the warrant covering the final payment on the fire trucks and to transfer ownership to Emery County. Motion was approved by all members present.

Emery County Auditor, Karen Truman, also reviewed with the Commission the problem that her office is experiencing with use of the charge cards. Departments are purchasing materials in which invoices have not been rendered to the Auditor's office, also there seems to be a problem of cash withdrawals. Therefore it was the consensus of the Commission that Deputy County Attorney, Steven Killpack, prepare a draft of a letter to be sent to the department heads outlining the proper use and intended use of the credit cards as issued.

The following requisitions were presented for Commission consideration:

Req. #	Item and Department	Cost	Action
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23	4-WordPerfect Video tapes - Data Proc	\$ 104.80	approved
24	5-1989 Ford Super Duty Trucks - Road	\$80,622.95	approved
25	1-1 1/2 ton Wheel Dolly - Road Depart	\$567.50	approved

Motion was made by Commissioner Duane Collard to approve the requisitions for purchase; motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(4)

#### PERSONNEL POLICY REVISIONS

Emery County Auditor, Karen Truman, presented to the Commission the proposed revisions of the Emery County Personnel Policy, Section 5, in regards to filling

new and vacant positions in Emery County. She noted that the wording has been changed wherein it now calls for Personnel Actions to be handled by the Personnel Manager/Technician. Department Heads can at their discretion be responsible for posting the openings and requesting the applications from Job Service. Added to the Personnel Policy is Section 8 which requires a preemployment physical. Arrangements for the physical are to be made through the Auditor/Personnel Office. Whereupon motion was made by Commissioner Duane Collard to adopt the proposed revision as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

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Personel Actions...

A. Green River Deputy Assessor

Presented to the Commission was the personnel action form for Cheryl Keener of Green River, Utah to serve as a Deputy Assessor at the Green River office. She is to be hired at a Grade 5 Step 1 or a salary of \$1176.00 per month effective March 10, 1989. Auditor, Karen Truman noted to the Commission that the class specification has been changed prior to the hiring, from that of a Deputy Assessor/Appraiser to read now as Deputy Assessor. The job description would still include custodial duties that had been deleted at the request of the Emery County Assessor, Jim Fauver. After discussion, motion was made by Commissioner, Duane Collard to approve the hire of Cheryl Keener as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

B. Attorney's Office - Teresa Manzanares

Presented to the Commission was the personnel action form for Teresa Manzanares who has changed from full-time, to 30 hours per week on a permanent, part-time status to be paid at a rate of \$8.67 per hour effective March 3, 1989. Motion was made by Commissioner Duane Collard to approve the reduction of hours for Teresa Manzanares as presented. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

C. Weed & Mosquito Department - Richard Snowball Presented to the Commission was the personnel action form for Richard Snowball to be hired as a temporary, seasonal employee to be paid at the rate of \$8.25 per hour effective March 24, 1989. Motion was made by Commissioner, Duane Collard, to approve the hire of Richard Snowball as presented. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

D. Weed and Mosquito Department - Leslie Reese

Presented to the Commission for their consideration was the personnel action form for Leslie Reese. He would receive a merit increase as provided to other employees who have been on the entry Grade 5 Step 1 of the salary schedule and had not received any increase since their hire. He would be increased to a Grade 5 Step 2 or a salary of \$1216.00 per month effective March 30, 1989, as requested by Weed and Mosquito Department Head, James Nielson. By other summer employees agreeing to a reduction of their hourly rate, Mr. Nielson has sufficient money to provide for this merit increase. Whereupon motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the personnel action as presented for Leslie Reese. Motion was approved by all members present.

E. Castle Dale Library - LaRee Dye

Presented to the Commission was the request by Emery County Library Director, Jerilyn Mathis, for Emery County to contract with LaRee Dye for grounds maintenance at the Castle Dale Library. This would become effective April 15, 1989 and continue until October 1, 1989. She would be a seasonal, temporary employee to be paid at a rate of \$60.00 per month. Whereupon, motion was made by Commissioner, Duane Collard, to approve the hiring of LaRee Dye as presented. Motion was seconded by Commission Chairman, Clyde Thompson, and

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April 19, 1989

Personel Actions...

approved by all members present.

F.Data Processing - Part-time recruitment

Commissioner, Duane Collard, reviewed with those present that there will be a vacancy in the Data Processing Department. Jami Luce will be terminating her employment with Emery County in May, therefore, Commissioner Collard requested that the Commission authorize him to proceed with the recruitment process and made motion to that effect. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

(5)  
MAY TAX SALE LIST

Emery County Auditor, Karen Truman, presented to the Commission for their review, a list of the delinquent property taxes to be submitted to the Emery County Progress for publication for the May tax sale. It was the consensus of the Commission that the method of sale would be the same as last year and therefore authorized the Auditor to proceed with the publication.

(6)

DISTRICT 7-A ADVISORY COUNSEL ON AGING AND NUTRITION

Mr. Maughn Guymon, Director of the Division on Aging and Nutrition came before the Commission and presented them with a copy of the letter submitted to Congressional Representatives in regards to the Counsel's opposition to wilderness designation, the same will be published in the Emery County Progress. The Commission commended Mr. Guymon on the District Advisory Counsel On Aging And Nutrition in their support of opposing the Wilderness designation and in the content of their letter.

Mr Guymon also discussed with the Commission the possible assistance he can give through Community Services Block Grants as an emergency assistance fund. He pointed out that the Green River Sheriff's Department can direct and administer assistance to needy families or individuals under the guidelines of that program. He noted that they would provide payment on a direct payment requisition submitted to them for goods and services received under those guidelines. Commission suggested that this be extended throughout the county through the Sheriff's Department and encouraged Mr. Guymon to proceed and develop a plan for implementing the program, to be administered throughout Emery County.

Mr. Guymon, also presented to the Commission a proclamation for Older American's Month, namely the month of May 1989, wherein it was read aloud as follows:

WHEREAS, Senior Citizens of Emery County have contributed to the greater good of all the citizens of the county by their decisions and action, and have utilized their experiences, skills and knowledge to help this country mature into the wonderful home it is for all of us;

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Older Americans Month, cont. ..

AND WHEREAS, the month of May has historically been proclaimed Older Americans Month, and communities across the country are giving special recognition to older persons;

AND WHEREAS, these wonderful citizens continue to contribute to the citizens of this county through their self less dedication to family, friends, and community, inspiring the rest of us to a nobler sense of the worth of the individual, and the impact one person can have for good, on all!

THEREFORE, we designate the month of May, "Older Americans Month" in Emery County, and encourage all citizens to participate in activities which would honor these great citizens.

Motion was made by Commissioner Duane Collard to accept and sign the proclamation declaring May 1989 as Older Americans Month, motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

#### UP&L - WAPA LAWSUIT

Emery County Deputy Attorney, Steven Killpack, reviewed with the Commission the UP&L - WAPA lawsuit documents forwarded to his office for consideration by the Commission. This matter was previously discussed in Commission meetings wherein Emery County would agree to the settlement as one of the participants in the action. Motion was made by Commissioner, Duane Collard, to authorize Emery County Deputy Attorney, Steven Killpack, to review and prepare final recommendations in this matter. Motion would also authorize Commission Chairman, Clyde Thompson, to sign the document, including the resolution The said action is to be ratified in the next Commission meeting. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

#### (8) ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 12:02 p.m. Motion was seconded by Commission Chairman, Clyde Thompson and approved by all members present.

Meeting reconvened at 1 :20 p.m. with all members present.

#### (9) EMERGENCY E911 NUMBER

Mr. Keith Ware, Administrator of the Emery County Farmers Union Telephone Association, came before the Commission to discuss the present status of the telephone company as it relates to preparations for implementation of the E911 Emergency phone system in Emery County. In regards to Green River and Huntington areas, Mountain Bell is before the Public Service Commission for a rate case. Part of that settlement, they indicate, would be to upgrade

Telephone Co., cont. ..

equipment in rural areas, such as Huntington and Green River, to better facilitate the E911 service. However, whether this comes about will be a decision of the Public Service Commission. Mr. Ware noted that the Emery County Telephone Association will shortly be installing equipment which would accommodate the E911 service, including the latest released software. Mr. Ware questioned the Commission whether they were ready to proceed at this time in purchasing equipment and manpower for implementing the system in the County. Costs to the county would be approximately \$30,000.00 to \$35,000.00 for equipment. However, the county could assess a \$.50 per month charge for that service which would result in a revenue to reimburse the county for approximately \$1600.00 to \$1700.00 per month. The county would also be responsible to man the equipment with properly trained individuals. It was the consensus of the Commission, and recommendation of Commissioner Duane Collard that he would follow up with the Sheriff's Department and the EMT's and discuss this matter further to see if it is practical or feasible for the county.

#### PROPERTY DISPOSAL

The commission received two requests, one from Green River concerning a parcel of ground that the County owns and another parcel in Lawrence. It was the consensus of the Commission and motion made by Commissioner, Duane Collard, that Emery County Deputy Attorney, Steven Killpack, investigate the exact location of the properties and establish ownership and value. If the property is within the market value and disposal procedures have been met, the County will proceed with the sale. Motion was seconded by Commission Chairman, Clyde Thompson, and approved by all members present.

#### ROAD DEPARTMENT BUSINESS

Emery County Road Superintendent, Rex Funk, reviewed with the Commission his concerns of the deteriorating road conditions from Morlan to Hiawatha. The road is receiving severe damage due to heavy hauling and, therefore, it was his request of the Commission that he be authorized to sign the road at 20,000 pounds limit and for light hauling only. He noted that the road is very narrow. Therefore it was the consensus of the Commission that Road Superintendent, Rex Funk, proceed with the signing as requested.

##### A. Aerial Photographs of the Buckhorn Wash Area.

Road Superintendant, Rex Funk, discussed with the Commission the need to have aerial photographs of the Buckhorn Wash Area. The Road Department plans to make improvements, and the BLM has indicated that this would greatly speed the permitting process. Mr. Funk explained that it was his purpose in appearing before the Commission



is to make them aware that said costs could be in the neighborhood of \$4,000.00 for the services.

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April 19, 1989

Road Department Business...

B. Abstract of Quotes.

Road Superintendent, Rex Funk, presented to the Commission the following bids: 5-1989 1 3/4 ton Super Duty GVM: 14,500 Trucks. Rick Warner - \$16,237.00 per truck for a total cost of \$81,185.00. Great Basin Truck - \$16,988.00 per truck for a total cost of \$84,940.00. Givan Ford Sales - \$16,124.59 for a total cost of \$80,622.95.

One 1 1/2 ton Wheel Dolly. Cate Carbon Equipment - \$567.50. Hafers, Inc. - \$719.10. Snap on Tools - \$1,151.50.

Various culvert quantities for Stock. Contech - total cost of \$22,307.04. Amcor - total cost of \$23,044.14.

After discussion, motion was made by Commission Chairman, Clyde Thompson, to authorize Road Superintendent, Rex Funk, to make the necessary arrangements to purchase the Culvert for the Road Department from the low bidder, Contech.

OTHER COMMISSION BUSINESS --

Commission discussed with the Deputy County Attorney, Steven Killpack, setting up a date and time for a public hearing on the consideration of deleting the irrigation water requirement for property in the County. No date and time was set at this time.

MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:37 p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman, Clyde Thompson and approved by all

ComMin5-3-89

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

May 3, 1989

Those present at the meeting were Commissioners Clyde Thompson and Jerry Mangum; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m. and excused Commissioner Duane Collard who is attending County meetings out of the area.

Invocation was given by Deputy County Attorney, Steven Killpack.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the April 5, 1989, Commission Meeting were reviewed. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the minutes as presented. Motion was approved by all members present.

The minutes of the April 19, 1989, Commission Meeting were to be held until the next Commission Meeting to allow sufficient time for review.

(2)  
AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented to the Commission for their consideration the Library Warrant Edit List. Motion was made by Commission Chairman Clyde Thompson to approve the Library Warrant Edit List as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Department	Cost	Action
27	Miscellaneous parts - Road	1,544.00	Approved
28	Valve for Bear Creek Campground - Recreation	234.00	Approved

Auditor's Business, cont. . . .

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the above requisitions for payment. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(3)

#### ROAD DEPARTMENT BUSINESS

A) Muddy Creek Rip Rap Project - Emery County Road Superintendent, Rex Funk, together with Howard Tuttle, of Johansen and Tuttle Engineering, reviewed with the Commission bids received on the Muddy Creek Rip Rap project. They indicated that G&O Construction out of Green River was the apparent low bidder in the amount of \$10,900. Other bids received were from Minchey Digging of \$15,700; Nielsen Construction of \$16,200; and Sinbad Construction of \$19,315.

Whereupon, motion was made by Commissioner Jerry Mangum to award the bid to G & O Construction upon confirmation of the bid amounts for completion of the project. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

B) Buck Horn Road Project - Mr. Funk and Mr. Tuttle reviewed with the Commission their meetings with the BLM approximately three weeks ago. At that time, the BLM indicated that the permitting process in regards to road improvements to the Buck Horn Wash area would greatly be expedited by aerial photo maps with modifications to the road indicated thereon. They indicated to the Commission that the Road Department would proceed with permitting through the BLM the entire Buck Horn Wash area at this time.

Mr. Tuttle informed the Commission that their office would set the flight controls for an aerial map from the Buck Horn intersection to the bridge. Mr. Tuttle recommended having Olympus Aerial Surveyors do the work at a cost of \$10,560 for the one inch equals 50 foot scale enlargement and the control survey cost of \$9,000 for Johansen and Tuttle Engineering. The total project cost would be \$19,560.

Whereupon, motion was made by Commissioner Jerry Mangum to accept and approve the aerial surveys to be provided by Olympus at a cost of \$10,560 as requested and the control survey at a cost of \$9,000 for a total cost of \$19,560. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

C) Beds for Trucks - Mr. Funk reviewed with the Commission the recent purchase of trucks for the Road Department. He indicated that his purpose in being before the Commission at this time is to get approval for the purchase of the beds for those trucks after receiving bids.

Road Department, cont. . . .

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve and authorize Road Superintendent Rex Funk to secure bids for the beds and to authorize purchase upon review by Commissioner Jerry Mangum. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(4)  
PRICE SAVERS - PROVO - KEITH LEWIS

Mr. Keith Lewis of Price Savers in Provo, Utah, came before the Commission inquiring if there was an interest on behalf of the County to purchase the Price Saver cards at a cost of \$25.00 plus \$10.00 for each authorized additional cards. This would allow for purchase by the County without the 5% cost add-on, no sales tax would be added to County purchases as would be with personal purchases.

He also reviewed with the Commission a type of credit card which is at a cost of \$30.00 per card. He noted that the card should be in the name of the principal purchasers, such as the County Auditor. Wherein the card would be used in conjunction with a purchase order in which both signatures would match. Both systems would be set up to take care of the concerns of the County Auditor, as discussed in the previous Commission meeting.

It was the consensus of the Commission that no action be taken at this time and this item be referred to the Auditor's office for a recommendation.

(5)  
PUBLIC HEARING - CIVIL DRUG FORFEITURE CONTRACT - COUNTY ATTORNEY

Commission Chairman Clyde Thompson opened the meeting at 11:00 a.m. for public input on the Civil Drug Forfeiture Contract. Emery County Attorney, Scott Johansen indicated the contract was originally issued to Gene Strate; however, he is no longer with the County in that capacity. Mr. Johansen noted that Mr. Strate was paid the sum of \$800 per month in addition to his salary for the increased work. Mr. Strate had given the County sixty days notice the first of March and therefore, cancelled the previous agreement on May 1.

It was pointed out that Mr. Strate was the person in the County Attorney's office who was involved in the criminal cases. However, County Attorney Scott Johansen is presently handling the criminal cases. Therefore, it would seem

reasonable that Mr. Johansen continue the forfeiture contract. Mr. Johansen pointed out that in the case of State forfeitures, those items are forfeited to the State who in turn reimburses the County in the amount of 15%. In County forfeiture cases, the County would receive 100% of the forfeiture.

Public Hearing, cont. . . .

Mr. Johansen informed the County that the purpose of the public hearing was for the Commission to take public comment in regards to how this should be handled since Mr. Johansen is an elected official and that this should be treated as a salary increase.

Mr. Johansen indicated that the Commission could consider three options: 1) Mr. Johansen could take over Gene Strate's contract on the same contractual bases, doing it on his own time; 2) the Commission increase his present salary and increase his time from half time to 3/4 time; or 3) cancel the entire contract and do it as part of his duties wherein they would do it the best that they could.

Mr. Johansen further pointed out that last year the County received \$260,000 because of the County Attorney's office efforts. This year he noted there are approximately 17 or 18 cases which their office will be working on in regards to forfeitures.

Commission Chairman Clyde Thompson inquired if there were other public comments. There were none, therefore, he closed the public hearing, noting that any action on this would be postponed until the next Commission meeting.

(6)

#### MONEY FOR THE GREEN RIVER SHERIFF OFFICE FACILITY

Emery County Attorney Scott Johansen presented to the Commission for their consideration an agreement between Emery County and the State of Utah wherein Emery County would receive \$70,000 for purchase and improvements of the Green River Sheriff's facility. He pointed out that there would be a separate lease agreement with the Utah Highway Patrol.

Whereupon, motion was made by Commissioner Jerry Mangum to authorize Commission Chairman Clyde Thompson to sign the agreement and that County Attorney Scott Johansen forward it to the State of Utah for signatures. Whereupon, motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(7)

## NATIONAL DRINKING WATER WEEK

Mr. Darrel Leamaster, Administrator of the Castle Valley Special Service District, informed the Commission that the National Drinking Water week is from May 1 through May 7, 1989. He indicated that he has a water sampling test of the water from Emery, Ferron, Castle Dale, Huntington, Orangeville and North Emery Water Users Association, together with a water trivia test. Mr. Leamaster thought that the Commission would be an appropriate test group since they

National Drinking Water Week, cont. . . .

are usually testing the political waters. Wherein, the Commission participated in the testing of the waters. The results will be published in the Emery County Progress.

(8)

### ADJOURN FOR LUNCH

Motion to adjourn for lunch at 12:05 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:25 p.m. with all members present.

(9)

### UTAH POWER AND LIGHT - WAPA LAWSUIT

Emery County Deputy Attorney, Steven Killpack, reported back to the Commission in regards to the WAPA lawsuit. He informed them that the Utah Association of Counties and their legal counsel has recommended that the plaintiffs, which includes Emery County, cut their losses to a minimum by accepting the settlement as there appears to be no grounds for an appeal. He recommended that Emery County should approve the negotiated settlement between Utah Power and Light and WAPA. Mr. Killpack informed the Commission that he has just received the last settlement documents as of May 3, 1989.

Whereupon, motion was made by Commissioner Jerry Mangum that upon further review by the County Attorney's office notwithstanding any additional problems that the Commission approve the settlement as it relates to Emery County and WAPA. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(10)

### MAY TAX SALE - EXTENSIONS

Emery County Treasurer, Elaine Wilson, inquired of the Commission if they would be entering into agreements for deferral of taxes for those properties and petitioners who are listed on the May Tax Sale, as has been done in previous years. That sale is to take place May 23, 1989. She pointed out that last year those people after petitioning the Commission and entering into an agreement were given a year's extension in which the applicants pay all delinquent real property taxes, penalties and interests, otherwise the properties would be sold at the next year's May Tax Sale. It was the consensus of the Commission that this would be given further consideration and as such would be done under the same provisions as last year.

(11)

#### PERSONNEL ITEMS

Emery County Deputy Auditor, Lorna Davis, presented to the Commission the following personnel action forms:

- 1) Karl Niebergall - Recreation Department - Presented to the Commission was the Personnel Action Form for Karl Niebergall of Ferron, Utah, to be hired as a Temporary/Seasonal Laborer in the Recreation Department to be paid at the rate of \$5.00 per hour effective May 5, 1989. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.
- 2) Edward Clark - Recreation Department - Presented to the Commission was the Personnel Action Form for Edward Clark of Ferron, Utah, to be hired as a Temporary/Seasonal Laborer in the Recreation Department to be paid at the rate of \$5.00 per hour effective May 8, 1989. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.
- 3) Jeffery John Cowley - Communications Department - Presented to the Commission was the Personnel Action Form for Jeffery John Cowley of Cleveland, Utah, to be hired as a Dispatcher in the Communications Department at a Grade 9, Step 1 or a salary of \$1,532.00 effective May 1, 1989. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form as presented. Motion was seconded by Commission Chairman Clyde THompson and approved by all members present.
- 4) Wayne Maxfield - Road Department - Presented to the Commission was the Personnel Action Form for Wayne Maxfield of Castle Dale, Utah, to be hired as a Temporary/Seasonal worker in the Road Department to be paid at the rate of \$7.00 per hour effective May 16, 1989. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form as presented. Motion was seconded

by Commission Chairman Clyde Thompson and approved by all members present.

5) Darin Griffiths - Road Department - Presented to the Commission was the Personnel Action Form for Darin Griffiths of Castle Dale, Utah, to be hired as a Temporary/Seasonal worker in the Road Department to be paid at the rate of \$7.00 per hour effective May 16, 1989. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

6) Laree Dye - Library - Presented to the Commission was the Personnel Action Form for Laree Dye of Castle Dale, Utah, to be hired as a part-time custodian at the Castle Dale Library to be paid at the rate of \$152.85 per month effective May 1, 1989. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

Personnel Items, cont. . . .

7) Janet Keele - Library - Presented to the Commission was the Personnel Action Form for Janet Keele of Green River, Utah, to be hired as a part-time custodian at the Green River Library to be paid at the rate of \$152.85 per month effective May 1, 1989. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

The Personnel Action Form for James Sherman was tabled until the next Commission meeting when Personnel Action Forms for other Road Department employees who need reclassification for insurance purposes can be considered.

(12)

#### AIRPORT GRANT APPLICATION

County Attorney, Scott Johansen, presented to the Commission a grant application from the Utah Aeronautics Division. Emery County would receive sufficient funds for sealing the airport runways as discussed in previous Commission meetings. Therefore, motion was made by Commissioner Jerry Mangum to accept and sign the agreement. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. (All documentation is to be forwarded by the County Attorney's Office and returned.)

(13)

#### IRRIGATION REQUIREMENT ON BUILDING IN THE COUNTY

Emery County Deputy Attorney, Steven Killpack, pursuant to direction from the



previous Commission meeting, noted that according to the Planning and Zoning regulations that any consideration for a public hearing as it relates to the irrigation requirement for building in the County presumably needs to go before the Planning and Zoning Board. Although the ordinances are not clear in that manner, there is also a 30 day advertising period. Whereupon, it was the consensus of those present that Commissioner Mangum would check with the Planning and Zoning Board for direction in this matter.

(14)

#### SALE OF IRREGULAR PIECES OF PROPERTY

Emery County Deputy Attorney, Steven Killpack, reviewed with the Commission his memorandum to them in regards to the sale of irregular pieces of property owned by the County. He pointed out that no action is necessary at this time, but that some notification needs to be given or indicated in the Commission minutes reflecting that they are getting the highest price available for those properties being considered. If requested, he will further outline the procedures and make a finding in each case being considered by the Commission.

(15)

#### PURCHASE POLICY

Emery County Deputy Attorney, Steven Killpack, reviewed with the Commission concerns in regards to credits cards and petty cash. He noted that no standard accounting practices have been followed by some departments, including personal purchases which were reimbursed back to the County. He indicated that many times they are without proper invoicing. Therefore, he has drafted a policy based upon the concerns expressed to him by the Auditor's office and the Commission. Mr. Killpack will draft a new memorandum including the discussion today with Price Savers for Commission consideration to be sent to all departments and it will be on the agenda at a later date for Commission review.

(16)

#### FOUR CORNERS MENTAL HEALTH

Emery County Deputy Attorney, Steven Killpack, reviewed with the Commission a letter he is sending to Carbon County Attorney, Gene Strate. This letter is in regards to the Four Corners Mental Health as it relates to the Attorney General's opinion as to County Commissioners serving on the Board of Directors of the Four Corners Mental Health. After discussion, motion was made by Commission Chairman Clyde Thompson to concur with the letter, asking that Four Corners Mental Health Director James Whear make a recommendation back to the Emery County Commission, advising them as to their role, wherein being in compliance with the Attorney General's opinion.

(17)

PERSONNEL MANUAL - SEXUAL HARASSMENT SECTION

Emery County Deputy Attorney, Steven Killpack, presented to the Commission for their consideration a modification to the Personnel Manual to provide for prohibition against sexual harassment as requested by the Emery County Auditor. The first modification would be to add a subsection C to section VII under Employee Conduct. The second proposal would be to add 14 and 15 to Section XIV under disciplinary procedures subsection B. Mr. Killpack indicated that Emery County Auditor Karen Truman has reviewed those modifications and has concurred with the recommendation. Whereupon, motion was made by Commission Chairman Clyde Thompson to add the modifications and procedures to the Emery County Personnel Manual.

Emery County Clerk, Bruce Funk, questioned as to whether these modifications and additions should have been done by Resolution and after proper notification on the agenda since the Emery County Personnel Manual is a County Ordinance. It was Mr. Funk's understanding that revisions were to be made by Resolution.

The Commission directed Mr. Killpack to investigate and to prepare any necessary legal documentation as required.

(18)

CONDITIONAL EASEMENT - NIELSEN CONSTRUCTION

Deputy Attorney, Steven Killpack, presented to the Commission for their consideration a conditional easement through an Emery County gravel pit for Nielsen Construction. This is in order to obtain access into their properties indicating that it was on behalf of Duane Nielsen. The length would be 400 feet, would provide for both ingress and egress and has been signed by Wayne Nielsen. Motion was made by Commissioner Jerry Mangum to approve the conditional easement as presented and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(19)

HEADSTART BOARD APPOINTMENT - VAUNDA LOFLEY

Commission Chairman Clyde Thompson presented to the Commission for their consideration the name of Vaunda Lofley to be appointed to the Head Start Board of Directors. Whereupon, motion was made by Commissioner Jerry Mangum to approve the same. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(20)

#### WILD LAND FIRE PROTECTION AGREEMENT

Linda Chapel, of the State Lands and Forestry Division, presented to the Commission the proposed Wild Land Fire Protection Agreement between Emery County and the Utah State Forester. This would provide Emery County with a full time seasonal fire warden, noting that in the past this has been Richard Wright who is not interested in the opening at this time. The Agreement was reviewed and updated in that it would provide for a full-time warden in Emery County with two days off. Mrs. Chapel requested the striking of item number 3 on page 2 which was inadvertently placed on the agreement. On page 1 item A 2, that would be corrected to read that "the District Fire Warden would be paid by the State and that Emery County would reimburse those salary costs as budgeted". Mrs. Chapel indicated that she would revise the agreement and have it back to the Commission by their May 17, 1989, Commission Meeting for approval.

(21)

#### SHERIFF'S DEPARTMENT BUSINESS

A) Door on Sheriff's Department Building - Green River - Commission Chairman Clyde Thompson reviewed with those present the need for an over-head door to be installed at the Green River Sheriff's Department building. After review, it was the consensus of those present that this item be held for Commissioner Collard's review and allow sufficient time for local bids to be secured.

Sheriff's Business, cont. . . .

B) Motor for Boat - Commissioner Thompson noted that the Sheriff's Department is in need of a motor for their boat, recommending that it have a jet foot. This boat would be for patrolling and assistance during the friendship cruise as well as drug surveillance. He further noted that the Sheriff is looking into the available drug moneys and will pursue in obtaining the purchase of a motor.

(22)

#### EMERY COUNTY NURSING HOME FINANCIAL REPORT

Mr. John Bramal, Administrator of the Emery County Nursing Home, presented to the Commission, as required, the year-ending financial report for the Emery County Nursing Home for the year 1988. He noted that due to Medi-Caid cost reports, the books show a loss of operation of approximately \$65,000 because of a lower census and increased food requirements. Into 1989, the books have been adjusted to show \$59,000 going back into there. His request and requisition

before the Commission was for \$18,000 to make up losses in the Nursing Home and in order to maintain their present cash flow.

Commission Chairman Clyde Thompson indicated that no Commission action is to be taken until Mr. Bramal's request could be reviewed with County Attorney Scott Johansen and Emery County Auditor Karen Truman after the first of next week.

(23)

#### ASSESSOR'S BUSINESS

Emery County Assessor, James Fauver, presented to the Commission for their review and consideration a list of those trailers with property taxes owing in Emery County and which have since been moved out of the State. Mr. Fauver indicated that he cannot remove them from the tax roles without Commission authorization. After review by the Commission, motion was made by Commission Chairman Clyde Thompson to authorize Emery County Assessor James Fauver to remove those trailers from the tax roles as requested. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. The list will remain in the Assessor's office.

(24)

#### CLERK'S BUSINESS

A) Emery Water Conservancy District Appointments - Emery County Clerk, Bruce Funk, upon the request of Eugene Johansen, presented the names of Hal Guymon of Huntington to be reappointed to another four-year term on the Emery County Water Conservancy District, effective April 1, 1989. He also requested that Tracy Behling of Ferron also be appointed to the Emery County Water Conservancy District Board, replacing Ellis Wild who recently died. Mr. Behling's term will also be for four years effective April 1, 1989.

Clerk's Business, cont. . . .

Whereupon, motion was made by Commission Chairman Clyde Thompson to reappoint Hal Guymon and to appoint Tracy Behling as Board Members of the Emery County Water Conservancy District effective April 1, 1989, to serve four-year terms. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Business License Application - Emery Recycling - Ronald Barney - Presented to the Commission for their consideration was the renewal application for a business license from Ronald Barney who is operating the business of Emery Recycling. The business is that of salvaging and burying mine debris and is located north-west of Castle Dale. Whereupon, motion was made by Commissioner

Jerry Mangum to approve the reissuance of a business license to Emery Recycling effective April 1, 1989. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

C) Part-Time Help - Mr. Funk discussed with the Commission a request from Loralie Platero to go to a permanent part-time status, beginning May 15, 1989. If work has progressed sufficiently in the Clerk's office, he will present to the Commission at their next Commission meeting the Personnel Action Form. Loralie's time would not exceed 30 hours per week, but would be a minimum of 20 hours per week. It was the Clerk's request that the full-time position be held open at this time as a full-time position is needed particularly, during election time. Should the Clerk's office be involved in Planning and Zoning as well as the DUI or other program, a full-time position would be needed as well. It was the Clerk's request that the Commission clarify the Personnel Policy as it relates to part-time employees.

D) Association of Counties Luncheon - Reviewed with the Commission was the claim submitted to Emery County by Bonnie Swenson of Orangeville, Utah. She prepared the luncheon for the Utah Association of Counties and Emery County Officials Meeting held April 26, 1989, wherein the cost was at \$7.00 a plate for 17 guests. Mr. Funk inquired as to any gratuity.

It was the consensus of the Commission and motion was made by Commission Chairman Clyde Thompson that a claim be prepared for warrant on the County in the amount of \$135.00. The added cost was due to a delay of approximately one hour in the arrival of the Association of Counties government people and to help compensate Mrs. Swenson for any additional inconvenience caused. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

E) Financing Agreement - The Clerk's office acknowledged receipt of the original financing agreement marked "paid" from FMC on fire trucks previously discussed. He noted that a copy would be placed in the Clerk's office and the original given to the Auditor's office with the request that they need to bring the insurance into compliance as noted on the cover letter.

(25)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 4:02 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin5-17-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

May 17, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the April 19, 1989, Commission meeting were reviewed. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the minutes as presented. Motion was approved by all members present.

The minutes of the May 3, 1989, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the minutes as corrected. Motion was approved by all members present.

(2)  
SETTLEMENT AGAINST WESTERN AREA POWER ADMINISTRATION -  
RESOLUTION 5-17-89A

Deputy County Attorney, Steven Killpack, presented to the Commission for their consideration a proposed resolution which authorizes the settlement of the legal action against the Western Area Power Administration, as reviewed in previous Commission meetings. Mr. Killpack indicated that he has reviewed the documentation in the settlement with County Attorney Scott Johansen. Mr. Johansen feels that under the circumstances at the present time, it is in the County's best interest.

Whereupon, motion was made by Commissioner Jerry Mangum to adopt Resolution 5-17-89A wherein Emery County accepts and authorizes the settlement against Western Area Power Administration. Motion was further made to authorize Commission Chairman Clyde Thompson to sign the documentation as required. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)

#### EMERY COUNTY NURSING HOME - HILL-BURTON

Emery County Deputy Attorney, Steven Killpack, reviewed with the Commission his conversations with others regarding compliance of the Emery County Nursing Home with the Hill-Burton rates. He noted that he has been advised that under the present agreement with Heritage Management, Inc., the original Hill-Burton requirement would be extended for another three years, otherwise there would be litigation against Emery County. Mr. Randy Kirton of Heritage Management, Inc., also in attendance requested permission to review the matter with Mr. Killpack in regards to sections 501, 502 and 503 of the present agreement. Rather than take those sections out, language might be suggested that would be acceptable to all parties.

In County Attorney, Scott Johansen's review of the matter, he questioned whether taking those sections out in order to comply with Hill-Burton rates would affect either Emery County or Heritage Management, Inc., over the next three years. It was the recommendation and suggestion of the Commission that Mr. Kirton meet with Mr. Killpack and review this matter further. He noted that Emery County Nursing Home has been in compliance with the Hill-Burton Act for the 20 years of its operation as required. Therefore, an extension by the Hill-Burton Administrators seemed questionable as to its legality.

(4)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #891375 through and including #891519 for payment. Motion was made by Commissioner Duane Collard to approve all warrants for payment with the exception of eight warrants which applied to EMT training until such invoicing and billing has been provided showing the services and hours rendered. It was noted that they did not receive previous authorization and will be considered only after review by the Commission. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

The following requisitions were present for Commission consideration:

Req. #	Item and Description	Amount	Action
29	Phoenix two-band radio - Road	452.00	Approved
30	Front-end loader weighing system - Road	4,250.00	Approved
31	Various equipment - Road	26,370.00	Approved
32	Antenna for Emery - Communications	280.00	Approved
33	Chemical spreader - Weed & Mosquito	255.36	Approved

Auditor's Business, cont. . . .

Motion was made by Commissioner Duane Collard to approve the requisitions with the addition of one truck which may be purchased by the Road Department after bids have been received, reviewed and approved by Commissioner Mangum. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(5)

#### ROAD DEPARTMENT - NEW TRUCK BED PURCHASES

Presented to the Commission were the bids received for truck beds to be used on new trucks purchased by the Road Department. Bids were received from Holland Equipment, Tesco Equipment, H & K Equipment and A & G Equipment. It was determined that Holland Equipment, of Salt Lake City, was the apparent low bidder in the amount of \$26,370. Whereupon, the bid was awarded to Holland Equipment in the amount of \$26,370.

(6)

#### ROAD CHIP HAULING

Road Superintendent Rex Funk informed the Commission the need to secure bids for hauling chips for the Road Department. He requested the Commission to authorize Commissioner Jerry mangum to approve the final low bid so that hauling can proceed immediately thereafter. Whereupon, motion was made by Commissioner Jerry Mangum to accept the low bid and upon authorization by himself to include those bids in the Commission meeting minutes upon receipt.



Motion was seconded by Commissioner Duane Collard and approved by all members present.

(7)

#### WILDLAND FIRE PROTECTION AGREEMENT - GLADE LONGMORE, FIRE WARDEN

Linda Chapel, of the State Lands and Forestry Division, introduced to the Commission Glade Longmore who has been hired as the seasonal fire warden for Emery County for the period of June 1 through October 31, 1989. Also, Mrs. Chapel presented to the Commission the revised agreement as requested in the Commission meeting of May 3, 1989, and reviewed the agreement with the Commission in its entirety. It was also noted that the agreement needs to be in to the state office before June 1, 1989.

Deputy County Attorney, Steven Killpack, raised questions as to the form and language of the agreement and whether the same had approval of the Attorney General's Office. Mrs. Chapel indicated that this is the same agreement form that was used in previous years and that any such revisions would have to be done immediately.

Whereupon, motion was made by Commissioner Duane Collard to accept the intent of the agreement as a draft and that Deputy County Attorney, Steven Killpack, prepare a final agreement which complies with the requirements of the Utah Code  
Linda Chapel, cont. . . .

and the County Attorney's office. Motion was further made that Commission Chairman Clyde Thompson sign the present agreement evidencing the County's intent. Upon preparation of a final agreement, Commission Chairman Clyde Thompson is to sign and forward it to Mrs. Chapel voiding and superceding the agreement signed this day. Motion was seconded by Commissioner Jerry Manguam and approved by all members present.

(8)

#### QUIT CLAIM DEED TO ORANGEVILLE CITY

Deputy County Attorney, Steven Killpack, presented to the Commission for their consideration a quit claim deed transferring ownership of a piece of property in Orangeville Township. This is under the present ownership of Emery County. Orangeville City is interested in acquiring the property for a road right of way. Mr. Killpack indicated that the only other interested party was Nina May Keele of Logandale, Nevada, who had originally assumed that they owned the property.

After review of the maps submitted to the Commission, it appeared that it was the original intent of the city plats that it would be a road and therefore, they would grant to Orangeville City the quit claim deed as requested. Motion was made by Commissioner Duane Collard to transfer title to Orangeville City. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(9)

#### AMENDMENTS TO THE PERSONNEL POLICY - RESOLUTION 5-17-89B

Deputy County Attorney, Steven Killpack, presented to the Commission for their consideration Resolution 5-17-89B which amends the Emery County Personnel Policy, Ordinance #12-16-82D. The Resolution changes the following sections: Section B from the title of Administrative Assistant/Personnel Director to Personnel Manager/Technician; Section XII, a new section against sexual harassment as set forth in the attached exhibit B; Section XIV, a disciplinary action for sexual discrimination and conduct by employees; and Section IX, redefining the benefits of part-time employees as set forth in exhibit B.

Emery County Auditor Karen Truman indicated that she has reviewed the Resolution with the Utah Local Governments Trust. She noted that this Resolution clarifies the benefits as it relates to sick leave and other benefits paid to part-time employees. There are now two categories of part-time employees. Part-time employees who work less than 20 hours per week and regular career service part-time employees who work 20-39 hours per week.

After further discussion, motion was made by Commissioner Duane Collard to approve and adopt Resolution 5-17-89B and the amendments to the Emery County Personnel Policy as outlined therein. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(10)

#### LIBRARY EMPLOYEES - HOLIDAY PAY

Jerilyn Mathis, Director of the Emery County Libraries, together with Library Administrators from each of the communities came before the Commission to discuss a memorandum sent to them by the Auditor's Office. The letter addressed their ineligibility for holiday pay which amounted to approximately \$420.00 which would be deducted out of their annual earnings.

The Commission reviewed the Personnel Policy with those present, noting that they were not eligible for holiday pay and that this had inadvertently been paid in the past. The Commission indicated they would have to give it further consideration. Commissioner Collard indicated that this item had just been

brought to his attention yesterday and he would like more time to review it with the other Commissioners before making any recommendation.

Dorothy , of the Ferron Library, pointed out to the Commission that they spend much more time than what they are compensated. She indicated that her husband donates approximately 36 hours per week. This extra time is necessary in order to keep them in compliance with the State Library Board. The Commission further indicated that they were sympathetic to the problem, but had no solution at this time. It was brought to the attention of the Commission that some librarians have not had any pay adjustments since their employment of approximately seven years ago. Of interest to those in attendance was the possibility of making them full-time employees wherein the libraries would still be open the same hours. This would allow them approximately two additional hours of uninterrupted time per day. The Commission indicated that it would have to be researched through the FLSA.

Whereupon, it was the consensus of the Commission that this be held for further review at the next Commission meeting.

(11)

#### COUNTY PURCHASING - LOCAL SUPPORT

Sharon Baker, representing the Economic Development, Chamber of Commerce and the Merchants Association, came before the Commission with a petition signed by merchants throughout the County. The petition is in response to an article which appeared in the Emery County Progress which had been misunderstood to imply that the Commission was supporting out of the area purchases particularly from that of Price Savers. Their request of the Commission was that a clarification be published, noting that the County does purchase locally.

It was the consensus of the Commission that the minutes of the previous meeting, as well as the article, did not reflect the Commission's intent to purchase outside of the area. It was indicated that a resolution was being considered today further defines and encourages all county departments to purchase locally. The Commission pointed out that they could not direct the employees themselves as to where to purchase and local support benefits all of Emery County. Mrs. Baker indicated that she, as well as a large percentage of Emery County, probably do have a Price Savers card.

(12)

#### DELINQUENT PROPERTY TAX EXTENSION - DELMAR CAMMACK

Emery County Treasurer, Elaine Wilson, presented to the Commission for their

consideration an extension agreement as approved in the previous Commission meetings for Delmar Cammack. Mr. Cammack has asked to enter into a contract with the County for payment of the taxes due over a six month period on his property. Whereupon, after further discussion, motion was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum to accept and approve the six-month extension for full payment of the property taxes as described therein. Motion was approved by all members present.

(13)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 12:34 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:47 p.m. with all members present.

(14)

#### COUNTY EMPLOYEE HEALTH AND LIFE INSURANCE - COUNTY SELF INSURANCE

Mr. Gordon Hilliar, of Intermountain Benefit Administration, came before the Commission to answer any final questions they have in regards to the County's considering a partially self-funded insurance program. Commissioner Duane Collard recommended that the County proceed with the program for implementation on July 1. Deputy County Attorney, Steven Killpack has reviewed the documentation and feels comfortable with the agreement. It was further the consensus of the Commission that they give Equitable Insurance Company a 30 day notice of cancellation to take effect July 1. Mr. Hilliar further outlined to those present the steps which need to be taken as well as clarifying other concerns.

Whereupon, motion was made by Commissioner Duane Collard to accept the plan as presented and that a letter be sent to Equitable Insurance Company cancelling their plan effective July 1, 1989. Motion was further made that Commission Chairman Clyde Thompson be authorized to sign the agreement after final review and revision by the Attorney's Office. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(15)

#### PURCHASING ORDINANCE AMENDMENT - RESOLUTION 5-17-89C

Emery County Deputy Attorney, Steven Killpack, presented to the Commission Resolution 5-17-89C, which amends the original Emery County purchasing Ordinance #12-16-82C. This Ordinance further clarifies the purchasing policy of the County and encourages that merchandise, equipment and supplies be

purchased, if possible, from local suppliers who pay taxes to Emery County. This Resolution will better resolve the concerns of the Auditor's office as discussed in previous Commission meetings.

Resolution 5-17-89C, cont. . . .

Whereupon, motion was made by Commissioner Duane Collard to adopt Resolution 5-17-89C after those corrections are made as pointed out by the Commission and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Jerry Mangum and approved by all members present, noting that said Ordinance will be sent to all Department heads.

(16)

#### PERSONNEL ITEMS

Emery County Auditor, Karen Truman, presented the following personnel action forms for Commission consideration:

A) David Wilson - Presented to the Commission was the Personnel Action Form for David Wilson who is presently working part-time in the Auditor's Office as a Deputy Auditor. Mr. Wilson will now also be part-time in the Data Processing Office as an Assistant at a Grade 7, Step 1, or a combined salary of \$1,245.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for David Wilson as presented. Motion was approved by all members present. Effective date is May 15, 1989.

B) Loralie Platero - Clerk's Office - Presented to the Commission was the Personnel Action Form for Loralie Platero of the Clerk's Office who has requested to go from full-time work of 40 hours per week to that of a regular part-time career service employee working 20-39 hours per week to be paid at the rate of \$7.01 per hour. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Loralie Platero as presented. Motion was approved by all members present. Effective date is May 15, 1989.

C) Austin Lund - Road Department - Resignation - Presented to the Commission was the Personnel Action Form for Austin Lund who has terminated his employment with the Road Department. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to accept the resignation of Austin Lund in the Road Department. Motion was approved by all members present. Effective date is May 26, 1989.

D) Personnel Requisition Form - Road Department - Mechanic - Presented to the

Commission was the Personnel Requisition Form for a Mechanic in the Road Department to replace Austin Lund who has resigned. This is a full-time position, for 40 hours per week. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Requisition Form for a Mechanic in the Road Department as presented.

E) Personnel Requisition Form - Road Department - Part-time Operator - Presented to the Commission was a Personnel Requisition Form for an Operator in the Road Department. This would be for a three-month position beginning June 1, 1989, to work 40 hours per week at the rate of \$8.00 per hour. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Requisition Form as presented. Motion was approved by all members present.

Personnel Items, cont. . . .

F) Kirk Elliott - Road Department - Operator - Presented to the Commission was the Personnel Action form for Kirk Elliott to be hired as a seasonal part-time Operator in the Road Department for three months to be paid at the rate of \$8.00 per hour. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Kirk Elliott as presented. Effective date is May 22, 1989.

G) Bertley Jensen - Road Department - Operator - Presented to the Commission was the Personnel Action Form for Bertley Jensen of the Road Department to be reclassified from a Laborer at a Grade 10, Step 7, or a salary of \$1,897.00 per month to that of an Operator at a Grade 11, Step 6, or a salary of \$1,938.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Bertley Jensen as presented. Motion was approved by all members present. Effective date is June 1, 1989.

H) Charles Watterson - Road Department - Operator - Presented to the Commission was the Personnel Action Form for Charles Watterson of the Road Department to be reclassified from an Operator I at a Grade 11, Step 1, or a salary of \$ 1638.00 per month to that of an Operator II at a Grade 11, Step 3, or a salary of \$1,693.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Charles Watterson as presented. Motion was approved by all members present. Effective date is June 1, 1989.

I) Ray Peterson - Road Department - Operator - Presented to the Commission was the Personnel Action Form for Ray Peterson of the Road Department to be reclassified from an Operator I at a Grade 11, Step 1, or a salary of \$ 1638.00 per month to that of an Operator II at a Grade 11, Step 3, or a salary

of \$1,693.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Ray Peterson as presented. Motion was approved by all members present. Effective date is June 1, 1989.

J) James Sherman - Road Department - Mechanic - Presented to the Commission was the Personnel Action Form for James Sherman of the Road Department to be reclassified from a Mechanic at a Grade 11, Step 1, or a salary of \$1638 per month to that of a Mechanic at a Grade 11, Step 2, or a salary of \$1693 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for James Sherman as presented. Motion was approved by all members present. Effective date is June 1, 1989.

K) Steve Kemple - Road Department - Operator - Presented to the Commission was the Personnel Action Form for Steve Kemple of the Road Department to be reclassified from a Truck Driver at a Grade 10, Step 2, or a salary of \$1549.00 per month to that of an Operator I at a Grade 11, Step 1, or a salary of \$1638.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Steve Kemple as presented. Motion was approved by all members present. Effective date is June 1, 1989.

Personnel Items, cont. . . .

L) Keith Sorensen - Road Department - Operator - Presented to the Commission was the Personnel Action Form for Keith Sorensen of the Road Department to be reclassified from a Truck Driver at a Grade 10, Step 1, or a salary of \$1549.00 per month to that of an Operator I at a Grade 11, Step 1, or a salary of \$1638.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Keith Sorensen as presented. Motion was approved by all members present. Effective date is June 1, 1989.

Emery County Assessor James Fauver further requested, particularly of Commissioner Duane Collard that he and the Commission visit employees of his office and let them know how well they have done. He indicated that their reappraisal and responsibility of their office has resulted in tax roles being produced earlier than in previous years. He would like the Commission to acknowledge how well the employees have done in regards to this matter.

(17)

SCOTT JOHANSEN - DRUG FORFEITURE - SALARY INCREASE

Deputy Emery County Attorney, Steven Killpack, inquired of the Commission if

they had determined what action should be taken as it relates to the drug forfeiture contract. He pointed out that a public hearing had been held and concluded at the May 3, 1989, Commission meeting. Commissioner Collard pointed out the back-log of vehicles needing disposal at the present time. It was further questioned as to whether Mr. Johansen had sufficient time to handle the extra responsibilities.

After further review and discussion, motion was made by Commissioner Duane Collard to increase the County Attorney's time to 3/4 time and that Mr. Johansen be compensated with the additional salary of \$800 per month. This is to compensate him for the additional responsibilities. Motion was further made that should the forfeiture work load reduce at a later time, his required time and salary would be reduced back to the present understanding and salary. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. This is to take effect June 1, 1989.

(18)

#### BUSINESS LICENSE - UTAH WILDERNESS EXPEDITION

Emery County Clerk, Bruce Funk, presented to the Commission for their consideration the business license application from Diane Jensen. Ms. Jensen will be operating the business known as Utah Wilderness Expedition which is a guide/outfitter specializing in llama pack trips. The business will originate in Green River. Whereupon, motion was made by Commissioner Jerry Mangum to approve the business license as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(19)

#### OTHER ITEMS OF DISCUSSION

The Commission briefly discussed the following items:

A) Attorney and Auditor Fees for the Emery County Special Service District No. 1 - It was the consensus of the Commission that because of the increased legal work having been done and required, that the amount be set at \$10,000 annually and that this amount be discussed with that Board.

B) Commissioner Duane Collard pointed out that the Library Board wants to proceed with building the Elmo Library, noting that they have approximately \$53,000 in the Library Capital Improvement budget, with approximately another \$74,000 carried over from last year's as unappropriated surplus.

(20)

#### MEETING ADJOURNMENT



Motion to adjourn the meeting at 4:01 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin6-7-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 7, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce C. Funk.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the May 17, 1989, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approved the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #891530 through and including #891761 for payment. Motion was made by Commissioner Jerry Mangum to approve all warrants for payment and upon recommendation of Commissioner Duane Collard that the EMT claims held from the May 17, 1989, Commission meeting also be included for payment. Motion was seconded by Commissioner Duane Collard and approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
34	Boat motor, equipment and labor - Sheriff	8,278.40	Approved
35	Lawn Mower - Recreation	393.00	Approved
36	Typewriter, two steno chairs, filing cabinet, type stand and waste baskets - Justice of the Peace	1,324.00	Approved

Requisitions, cont. . . .

37	Oxygen & Acetylene Tips and hoses - Road	239.50	Approved
38	Portable Weld & Power - Road	1,975.00	Approved
39	Ford Cab & Chassis - Road	16,817.00	Approved
40	Zenith TV Monitor & VCR - Road	847.95	Approved
41	Delta Mobile Radios and Scan Heads - Sheriff	4,796.70	Approved
42	Sirens, Speakers, Light Bar and Flashers - Sheriff	1,501.94	Approved

Motion was made by Commissioner Duane Collard and seconded by Commissioner

Jerry Mangum to approve the requisitions for purchase. Motion was approved by all members present.

(3)

#### TREASURER'S BUSINESS - OLD RECORD STORAGE

Deputy Treasurer, JoAnn Taylor, came before the Commission requesting that the Commission advise as to the disposition of old assessment records. She indicated that they date back to 1893 and that they have been microfilmed. She indicated that the record retention schedule requires that they still must be kept. She inquired if it was possible to donate those to the library so that the public may have access to these records. The records are of interest to the public and possibly they could be housed in the museum by the County Historical Society.

After further discussion, it was the consensus of the Commission that they be given sufficient time to review with the County Attorney and possibly the Clerk as to proper disposition of the books at this time. The Clerk noted that they too have many books which fall under the same category. Commission Chairman Clyde Thompson indicated that the Commission would look into the matter and advise those involved.

(4)

#### REGISTRATION AGENT - FERRON NORTH #3 - DIXIE FISH

Emery County Clerk, Bruce C. Funk, presented the name of Dixie Fish of Ferron, to replace Roxie Nelson as the registration agent in the Ferron North #3 voting district. Mrs. Nelson has requested a replacement be made. Therefore, it was

Dixie Fish, cont. . . .

Mr. Funk's recommendation that Mrs. Fish be approved to fill that remaining appointment which will expire at the conclusion of this year's election.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the name of Dixie Fish to serve as the Registration Agent for this year in Ferron North #3. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(5)

#### HEADSTART PROGRAM - RENAE FILLMORE

Renaefillmore came before the Commission with letters of support for the continuation of the HeadStart Center located in Castle Dale, Utah. She informed the Commission that the Headstart Center will be closed and reverted back to a home base program. She noted that the policy committee has met and voted on the change. The number of participants in a home-base program would

drop to four or five and it would not meet the needs of families and be inconvenient. However, she consented that the home-base program is a good program.

Commissioner Collard responded in that the County has very little say in controlling the type of program and that 17 children is the minimum number required for a center to operate. He further noted that the cut-off date for qualifying has passed. He indicated that although a center would possibly not be able to operate this year, that efforts should be made to recruit sufficient children so that the center could function next year. Commissioner Collard would try to obtain the guidelines for his review and have them available. Mrs. Fillmore's request of the Commission is that they see what can be done before the board meets in August. Cassie Jensen was also in attendance and is in support of the program.

(6)

#### SHERIFF'S BUSINESS

Emery County Sheriff, Lamar Guymon, discussed with the Commission the bids received on the door for the Sheriff's building in Green River. He noted that the recent bid is higher than the local Green River bid and his request from the Commission was authorization to proceed. It was the consensus of the Commission that he proceed with the low bid for the overhead door.

Sheriff Guymon also made a request for an outside door to the Justice of the Peace courtroom. Although no action was taken, it was the consensus of the Commission that should money be available for that improvement, that further consideration would be given. Commissioner Thompson informed Sheriff Guymon that possibly he had a frame and door which may be used for that purpose.

(7)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch at 11:40 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:34 p.m. with all members present.

(8)

#### PERSONNEL ITEMS

Emery County Auditor, Karen Truman, presented to the Commission for their consideration the following Personnel Action Forms:

1) Jami Luce - Resignation - Presented was the Personnel Action Form for Jami Luce who has resigned her employment with Emery County effective May 31, 1989. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to accept the resignation of Jami Luce. Motion was approved by all members present.

2) Temporary Seasonal Employees - Weed and Mosquito Department - Presented were the Personnel Action Forms for the following: DeWayne Fowler of Huntington, to be paid \$8.25 per hour; Dennis Dooley of Ferron, to be paid \$8.25 per hour; and Claron Durrant of Huntington, to be paid \$6.97 per hour. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Forms and the hiring as temporary seasonal employees for DeWayne Fowler, Dennis Dooley and Claron Durrant as presented. Motion was approved by all members present. Effective date is May 30, 1989.

3) Lorna Davis and Charlane Luke - Reclassification - Presented to the Commission was the Personnel Action Form for Charlane Luke of the Auditor's office to reclassify her from a Grade 5, Step 6 to a Grade 5, Step 7 and for Lorna Davis of the Auditor's office to reclassify her from a Grade 6, Step 7 to a Grade 6, Step 8. It was the consensus of the Commission that Personnel Actions of these two employees be placed on hold until clarification as to County involvement in the Emery County Special Service District No. 1 can be made.

4) Scott Johansen - Salary Increase - Presented to the Commission was the Personnel Action Form for Scott Johansen to receive a salary increase from \$3,251 per month for 20 hours per week to \$4,051 per month for 30 hours per week. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for Scott Johansen as presented. Motion was approved by all members present. Effective date is June 1, 1989.

(9)

#### STATE RETIREMENT BENEFITS

Emery County Auditor Karen Truman informed the Commission that the employer contribution into the State Retirement System as of July 1, 1989, will decrease from 3.65% to 2.2%. Employee contribution which is paid for by the County will remain the same. This makes an overall reduction in the employees retirement from 9.65% down to 8.20%. It was the consensus of the Commission that since the insurance costs this year are considerably more than previously, that no

action be taken in regards to this item and that any increase in the employees salaries as a result may be considered another year when additional monies are available.

(10)

#### JUDGE HUNT RETIREMENT - REPLACEMENT PROCESS

Emery County Deputy Attorney, Steven Killpack, presented to the Commission by memorandum the guidelines established by the State Judicial Council and the Court Administrators Office for filling Justice of the Peace Judge vacancies such as in the case of Judge Arel Hunt of Green River who is retiring effective July 31, 1989. The guidelines are as a result off Senate Bill 10. It points out that replacement appointment of a Justice Court Judge, as they are now called, comes about by proper advertising, review of the applicants and the Commission Chairman making the appointment with formal appointment by the Commission as a whole.

After further discussion, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to authorize Deputy Attorney, Steven Killpack to proceed with the advertising and application process. The salary will be left open while obtaining a recommended salary for the Justice from the Judicial Council. The applications are to be received by June 20, 1989. Motion was approved by all members present. Commissioner Collard indicated that he would like to give consideration to possibly combining the three present Justices of the Peace into one full-time and that it would be a financial benefit and savings to the County as well as serve the needs of the public better.

(11)

#### ROAD DEPARTMENT BUSINESS

A) Road Chip Hauling Agreement - Pursuant to Commission action on May 17, 1989, the following agreement was entered into with Kerwin Jensen Trucking Company of Cleveland for the hauling of road chips to various locations within Emery County. The amount of the agreement was \$35,400.95. This received prior authorization. Other bids received were from Savage Coal Services in the amount of \$58,460.64; and Kevin Jensen Concrete Material Supply in the amount of \$72,975.70.

B) Other items - The following bids were submitted to the Commission for approval:

- 1) One set of Oxygen and Acetylene Tips and Hoses - Utah Welder Supply for

\$325.00 to \$350.00; Hafers for \$243.00 to \$351.00; and U. S. Welding Supply for \$239.50. The bid from U. S. Welding Supply was submitted and approved.

2) 1989 Ford Cab and Chassis - Givan Ford for \$16,817; Mountainview Motors for \$17,916 and Merrill Motors declined. The bid from Givan Ford was submitted and approved.

3) One Lincoln Portable Welder and Power Supply - U. S. Welding Supply for \$1,975.00; Hafers for \$2,225.00; and Utah Welder Supply for \$2,155.00. The bid from U. S. Welding Supply was submitted and approved.

4) One Video Cassette Recorder with Remote Control and One 25" Diagonal Color Television Monitor - Coast to Coast - VCR-\$349.00, Television-\$449.99; Sears - did not quote a VCR, Television-\$399.00; Earls Bargains - VCR-\$349.00, Television-\$498.00; Bills Home Furnishings - VCR-\$399.00, Television-\$549.95; and Hard Hat Appliance - VCR-\$327.00, Television-\$578.00. The bid from Earls Bargains in the total amount of \$847.00 was submitted and approved.

(12)

#### HUNTINGTON AIRPORT EXPANSION - AIRPORT MASTER PLAN

Mr. Craig Johansen of Johansen and Tuttle Engineering, together with Ryan Pritchett of Armstrong Consultants came before the Commission. Mr. Johansen indicated the purpose in being before the Commission today was to inform them that before an application can be made for funds to complete the Huntington Airport expansion, that an airport master plan needs to be prepared giving the present and potential use of the airport and justify the need improvements.

Mr. Johansen indicated that his office has combined with Mr. Pritchett's in an effort to submit the application. Mr. Johansen informed the Commission that the first step is to go through a selection process for engineers and that qualification experience statements must be returned to the County by June 19 or 20 These will be available for Commission selection at their regular meeting on June 21. At the Commission meeting on July 5 negotiations can be finalized and application for funds can be submitted. At that time they can apply for funds in order to complete the master plan. Federal participation in this funding would be the same as the expansion project which would be 91% federal and 4-1/2% state participation and then the balance would be by the County. The estimated cost for preparation of the master plan is approximately \$30,000.

Whereupon, motion was made by Commissioner Jerry Mangum to authorize Mr. Craig Johansen to go ahead and prepare the necessary advertisements for selecting a project engineer and have back to the Commission at their next Commission meeting. Motion was seconded by Commissioner Duane Collard and approved by

all members present.

(13)

#### EMERY COUNTY BALL COMPLEX - REQUESTED IMPROVEMENTS

The following individuals were in attendance to discuss problems at the Emery County Ball Complex in Huntington: Tom Grimm, D.W. VanWagoner, Shane Justice and Christel Farabee. Mr. Tom Grimm, speaking as the assistant coach and father, informed the Commission that there is a number of gopher holes in the playing fields. He also indicated that one of the fields was just recently watered for the first time, another had only been watered twice, one field being watered only four times and that the little league field was watered for the first time yesterday. He suggested that the Commission consider sodding the playing fields.

Those present felt and understood that many of the kids are tearing up the rest rooms and facilities as well as causing other damage in the area. They further pointed out that they serve approximately 1,200 people per week at the complex.

Mr. D. W. VanWagoner requested that the league take over responsibility for care and maintenance for the grounds and that those monies spent by the County be given to them for improvements on the ball complex. He further felt that people who work there need to be more interested in the ball complex in that its present condition is a disgrace to the County and to the league. Mr. VanWagoner further requested the County to provide a four-wheel drive tractor in order to level and prepare the grounds.

Complex cont....

Commission Chairman Clyde Thompson informed those present that efforts are being made now to obtain a small four-wheel vehicle for grading the playing fields. He also pointed out that a lawn-mower has been repaired. He emphasized the debris thrown on the ground rather than being deposited in garbage containers.

Commissioner Thompson informed those present that the care takers have only been working for three days and that he has personally observed them working. He feels that sufficient time should be given to them for improving the park rather than terminating their employment at this time as requested.

Although no action was taken by the Commission at this time, they expressed appreciation for those being in attendance and bringing these matters of concern to the Commission. Further consideration will be given on how the park could be improved by the County and those who use the facility.

(14)



MEETING ADJOURNMENT

Motion to adjourn the meeting at 4:30 p.m. was made by Commissioner Jerry Mangum. Motion was seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin6-21-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 21, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; Deputy County Attorney, Steven Killpack and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:03 a.m.

Invocation was given by Commission Chairman, Clyde Thompson.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the June 7, 1989, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to accept the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented Warrant Edit List #891762 through and including #891954 for payment. Motion was made by Commissioner

Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission approval:

Req. #	Item and Description	Amount	Action
41	Post driver, throttle valve, filter regulator, two chuck adapters, two channel adapters - Road	1,118.00	Approved
42	Two typewriters - Treasurer	per bid	Approved

Motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)  
1988 ANNUAL AUDIT

Mr. Kay Kimball, of Kimball and Roberts Associates, presented to the Commission the audit for the year 1988 which has just recently been completed. After review by the Commission, motion was made by Commissioner Duane Collard to accept and approve the audit as presented, expressing thanks and appreciation to Mr. Kimball and his associate for the work involved. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(4)  
PRICE-SAVERS - BANK CARD APPROVAL

The Commission discussed the need to take action in regards to the request for a bank card account from Price Savers which was previously discussed. Approval of such a bank card would eliminate those auditing problems previously discussed wherein the departments making purchases from Price Savers would have a proper audit trail. After discussion, motion was made by Commissioner Jerry Mangum to approve the bank card for County purchases where necessary from Price Savers with the stipulation that departments buy locally whenever possible and that all County purchases be in accordance with the purchasing policy. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(5)  
MALONE JEWKES - PROPERTY REQUEST

Commissioner Jerry Mangum reviewed with the Commission a request from Malone Jewkes, of Orangeville, to buy back property sold for taxes in which taxes are now due back to the year 1957. Mr. Jewkes makes this request at this time to obtain the properties previously owned by himself or members of his family.

Deputy Attorney, Steven Killpack, briefly reviewed the process with the Commission that it must be after finding good cause and being in the public's best interest that the property be sold. The Assessor could establish a fair market value.

Commissioner Collard indicated that it could be at the advantage of the County to get those properties back on the tax rolls. It was also suggested that a list be obtained of all county properties. Commissioner Mangum indicated that he would meet further with Emery County Assessor Jim Fauver and possibly bring back this matter to the Commission for any further consideration.

(6)  
ANTI-WILDERNESS COALITION MEETING

Commission Chairman, Clyde Thompson, advised those present, particularly those representatives from the Emery County Progress, of the need to take out an advertisement for the wilderness meeting which is entitled "The Anti-Wilderness

Anti-Wilderness Coalition, cont. . . .

Coalition Meeting". An organizational meeting is set for July 12, 1989, at 7:30 p.m. in the Emery County Courthouse Commission Meeting room. It was suggested that the Progress get in touch with Commission Chairman Clyde Thompson and that arrangements be made for placement of an ad in the classified section of the paper.

(7)  
EMERY COUNTY HEALTH INSURANCE

Emery County Deputy Attorney, Steven Killpack, inquired of the Commission as to the status of the insurance transition wherein Emery County will go into a self-insured program effective July 1, 1989. He noted that he was not totally satisfied with the present agreement in that some deficiencies appear to be in the paper work regarding the fee schedule, etc. Commission Chairman Clyde Thompson responded in that everything was in order.

Therefore, Deputy Attorney, Steven Killpack, presented to the Commission the Claim Service Agreement between Emery County and Intermountain Benefit Administrators. Whereupon, motion was made by Commissioner Duane Collard to

approve the claim service agreement between Emery County and Intermountain Benefit Administrators upon review of the fee schedule by the Commission. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. (One copy was forwarded to Intermountain Benefit Administrators and one was left with the Clerk for their files.)

(8)

#### ECONOMIC DEVELOPMENT ADMINISTRATOR - PLANNING AND ZONING ADMINISTRATOR, ETC.

Commission Chairman Clyde Thompson discussed briefly with those present and the Commission the need to give further consideration to the replacement of Scott Truman who was the Economic Development Director. Also discussed was the possibility of combining that position with the Planning and Zoning Administrator as well as the Civil Defense Director. It was noted that Bret Mills, who is over the Civil Defense, does not have sufficient time to carry out those duties and responsibilities.

Also in attendance at this time and gave comments in regards to the position were Dixie Thompson and Doug Allred, both of Orangeville and who have previously expressed to the Commission an interest in the position. Mr. Allred commented in that any time that many duties are given to an individual, that it would be excessive and the possibility of one area being slighted exists. He also requested of the Commission the goals for economic development.

After further discussion, it was the consensus of those present that no action be taken at this time to allow additional time for review and consideration.

(9)

#### PLANNING AND ZONING BOARD VACANCIES

Emery County Deputy Attorney, Steven Killpack, reviewed with the Commission the Planning and Zoning Board appointees as found in the minutes of the May 18, 1988, Commission meeting. Wherein, the terms of Ben Coomer of Green River, Tracy Jeffs of Castle Dale and Merlin Weber of Ferron expired on January 1, 1989. He noted that Mr. Coomer has agreed to serve as well as Mr. Jeffs. Merlin Weber of Ferron has indicated that he cannot serve at this time. Discussed was the need of the Board to meet early in light of Utah Power and Light's application for a washer plant.

Whereupon, motion was made by Commissioner Duane Collard to approve Ben Coomer and Tracy Jeffs to the Board for an additional three year term effective January 1, 1989, and that recommendations be given to the Commission for a representative for the Ferron area. Motion was seconded by Commissioner Jerry

Mangum and approved by all members present.

(10)

#### CONSIDERATION OF PUBLIC HEARING - ZONING REQUIREMENT

Deputy Attorney, Steven Killpack, reviewed with the Commission the request by the previous Planning and Zoning Board to take action in regards to modifying Emery County's Zoning Ordinances. Mr. Killpack reviewed with the Commission the process in amending the Ordinance as contained in the Utah Code Annotated. He noted that any changes would first have to be reviewed and recommended by the Planning and Zoning Commission. They will then make a recommendation to the Commission and set it for a public hearing. He further indicated that something should be prepared in writing. The matter being considered at this time as requested would be the deletion of the irrigation water requirement.

Commissioner Collard indicated that the Planning and Zoning Board had previously recommended to the Commission several changes - 1) the acreage requirement be dropped from 10 acres to 5 acres and 2) buffered industrial zones around cities. The Commission previously indicated that they felt these were not good recommendations. Therefore, they had not considered further action at that time, but had received a request and recommendation to eliminate the irrigation water requirement. The Commission indicated that they do want bona fide farmers, the present Ordinance is not enforceable. Therefore, it was the recommendation that this item be referred to Commissioner Mangum who would take it back to the Planning and Zoning Board for further recommendation and clarification.

(11)

#### GREEN RIVER JUSTICE OF THE PEACE PRECINCT NO. 3 VACANCY

Commission Chairman Clyde Thompson, informed those present that the deadline of June 20, 1989, for receipt of the Justice of the Peace applications for Precinct No. 3 located in Green River, Utah, has passed. He further indicated

Justice of the Peace, Precinct #3, cont. . . .

that he has received the following applications: Dwendle Wilcox, Robert Gabbitas, Betty Burns, Charles Weber and Roy May. Deputy Attorney, Steven Killpack, reminded the Commission of the need to make the appointment early in that Judge Hunt is leaving at the end of July and training is required although specifics are not known at this time. It was the consensus of the Commission that they go to Green River and interview all of the applicants. Commission Secretary Leslie Bolinder is to set up appointments for Wednesday, June 28, 1989, beginning at 10:00 a.m. and follow at 15 minute intervals. It was also recommended that Deputy County Attorney, Scott Johansen also be in attendance.

(12)

PERSONNEL ITEMS

Emery County Personnel Technician Lorna Davis presented to the Commission for their consideration the following Personnel Action Forms:

A) Paul Mager - Road Department - Mechanic - Presented to the Commission was the Personnel Action Form for Paul Mager to be hired as a Mechanic/Crew Leader in the Road Department at a Grade 13, Step 5, or a salary of \$2,090.90 per month. This is to replace Austin Lund who has resigned from that position. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane

Collard to approve the Personnel Action Form for Paul Mager as presented. No effective date was set at this time.

B) Clerk's Office - Julie Winn - Wendi Downard - Emery County Clerk, Bruce C. Funk, reviewed with the Commission the Personnel Action Forms for Julie Winn and Wendi Downard. He noted that through a contractual basis with the Court Administrator's Office, that the State Court system has funded the positions of a Chief Court Clerk in Circuit Court and a Chief Court Clerk in District Court. Both positions are funded at a Grade 7, Step 4 or a salary of \$1,454.00 per month. He further noted that these are State monies and are not from the County General Fund. He further noted that all monies contracted through the State can only be used for court services. Therefore, it was his recommendation that Julie Winn and Wendi Downard be reclassified to those positions and at the Grade and Step as requested.

Whereupon, motion was made by Commissioner Duane Collard to approve the reclassification of Julie Winn from a Court Clerk at a Grade 6, Step 3 or salary of \$1,330.76 per month to a Chief Court Clerk in District Court at a Grade 7, Step 4 or a salary \$1,454.00 per month and the reclassification of Wendi Downard from a Court Clerk at a Grade 6, Step 1 or a salary of \$1,243.00 per month to a Chief Court Clerk in Circuit Court at a Grade 7, Step 4 or a salary of \$1,454.00 per month. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Effective date is July 1, 1989.

(12)

EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1 - BOARD REPLACEMENT

Commissioner Jerry Mangum informed the Commission of the need to replace Jed Behling on the Emery County Special Service District No. 1 in that Mr. Behling does reside within the boundaries of Ferron City which is not allowed in the guidelines. Therefore, it was his recommendation and motion that Mervin

Duncan be appointed to that position. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(13)

#### CLASS D ROADS - COUNTY MASTER PLAN

Emery County Deputy Attorney, Steven Killpack, inquired of the Commission as to whether they wished to meet in executive session to discuss certain county roads which may be involved in possible litigation. Whereupon, motion was made by Commissioner Jerry Mangum to adjourn for lunch and meet in executive session to discuss these matters further. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(14)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum to adjourn for lunch and meet in Executive Session at 11:56 a.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

The regular Commission meeting reconvened at 1:22 p.m. with all members present.

(15)

#### AIRPORT EXPANSION - MASTER PLAN - ENGINEERING CONSULTANTS

Mr. Craig Johansen, of Johansen and Tuttle Engineering, came before the Commission indicating that, as requested, he has submitted three inquiries to engineering firms as part of the County's engineer selection process. He noted that he has received two back, one from Armstrong Consultants, Inc., out of Grand Junction, Colorado; the other from Muller, Sirhall and Associates, Inc., out of Aurora, Colorado. Mr. Ryan Pritchett of Armstrong Consultants, Inc., was also in attendance. Mr. Johansen briefly discussed with the Commission the advantages of each engineering firm.

Whereupon, motion was made by Commissioner Jerry Mangum that he and Craig Johansen review the submittals and make a final selection and begin the process with such action to be ratified at the next Commission meeting. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(16)

#### JR. LIVESTOCK SHOW - BUILDING ERECTION

Dennis Worwood and Ina Lee Magnuson came before the Commission requesting

assistance in erecting the metal building which Emery County traded to Ferron City. They noted that the building will be used for the Stock Show which has been an asset to the County and to the State. The Commission reviewed with those present the agreement made with Ferron in that Emery County would not be responsible for the erection of the building, but it was transferred to the City as is. The Commission further expressed appreciation to Mr. Worwood and Mrs. Magnuson for the Stock Show and how it has benefitted the County in the past.

(17)

#### RSVP - COUNTY ADMINISTERED

Commissioner Duane Collard reviewed with the Commission a request he received from Carolyn Randall in that she was desirous that the County take over the RSVP program from the Southeastern Utah Association of Governments. Commissioner Collard indicated that this has been reviewed and discussed with the RSVP Committee. In that request, they also agreed with this take over. Mrs. Randall, who was also in attendance, indicated that the AOG primarily does the auditing only and that the Emery County Auditor has agreed to do it if requested.

Commission Chairman Clyde Thompson indicated that this would be at an increased expense to the County. He further noted that the personnel guidelines would have to be written. This would include the job description and re-advertisement for those positions in which Mrs. Randall and those present were agreeable to. Mrs. Randall pointed out that other agencies have advised that Emery County RSVP would then come into full compliance as Emery County is the sponsoring agent. Commissioner Duane Collard indicated that the Association of Governments would have to be notified if Emery County is to take over the program.

After further discussion, motion was made by Commissioner Duane Collard to approve the transfer and administrating authority back to Emery County and the Emery County Commission. This is provided that it is allowed for in the agreement with the Association of Governments, proper legal channels are followed, does not cost Emery County any additional monies and does not exceed the present operational budget. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Commissioner Collard indicated that he will look into the matter further to determine the costs and that no effective date be established at this time until he has had a chance to meet and look at the agreement with the Association of Governments.



(14)

MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Jerry Mangum at 2:32 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

ComMin7-5-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

July 5, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the June 21, 1989, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to accept the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #891964 through and including #892130 and Warrant #892178 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve

all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
43	Econo Ton Crane - Road	1,583.00	Approved
44	TV/VCR Stand - Road	149.99	Approved

Motion was made by Commissioner Duane Collard to approve the requisitions for purchase. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(3)

#### GREEN RIVER JUSTICE OF THE PEACE APPOINTMENT

Commission Chairman Clyde Thompson and Commissioner Duane Collard reviewed for those present their meetings and interviews with interested applicants in the Justice Court Precinct No. 3 judge appointment. They indicated they had five good applicants, all who had received very favorable comments from local people. It was their consensus that the two applicants to be considered were Betty Burns and Dwendle Wilcox. They noted that Mr. Wilcox had been a deputy sheriff and that Betty Burns has previously been a clerk to Judge Hunt and does know and understand the system.

After further discussion, motion was made by Commissioner Duane Collard to approve the appointment of Dwendle Wilcox as the Justice Court Judge in Precinct No. 3. Motion was further made that Betty Burns be retained as the Court Clerk at a Grade 5, Step 1 or a salary of \$1,172 per month or approximately \$6.70 per hour with full benefits. It was indicated that the Judge's salary will not be set at this time, but is anticipated to be approximately \$20,000 annually. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(4)

#### WILDERNESS - BLUE RIBBON ADVERTISEMENT

Commission Chairman Clyde Thompson indicated to the Commission he had received an inquiry from the Blue Ribbon Paper, prepared in Idaho Falls, Idaho, which supports outdoor recreation. He noted that their August issue is on Utah. They were inquiring if Emery County would be interested in buying an advertisement or subscription. He noted that their work has been against wilderness and that the Commission does want input on the area. He noted that the space

had to be taken by July 11 and articles have to be there by July 18. It was suggested that a map which shows the wilderness areas proposed and the percent affect on Emery County, the State and the United States as well as the adverse benefits, be put in the publication. It was the consensus of the Commission to purchase a 1/4 add page which ranges in cost of from \$375.00 to \$395.00.

(5)

#### TRANSFER OF THE RSVP PROGRAM TO EMERY COUNTY

Commissioner Duane Collard addressed those present, as a follow-up to the previous Commission meeting, wherein it was requested that the RSVP program be under the Emery County Commission rather than the Association of Governments. Commissioner Collard indicated that he has talked to Bill Howell of the Association of Governments. Mr. Howell has agreed to waive the 30 day notice requirement and authorize the transfer of the RSVP program effective July 1, 1989.

RSVP Program, cont. . . .

Whereupon, motion was made by Commissioner Duane Collard to transfer the RSVP program under the direction of Emery County and the Emery County Commission effective July 1, 1989. Motion was further made that the Emery County Auditor's office perform those auditing functions previously done by the AOG. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

#### MERRILL DUNCAN - MOLEN WATER LINE - WAIVER OF ENCROACHMENT BOND

Merrill Duncan, of Molen, Utah, came before the Commission concerning the encroachment permit requirements. He indicated that he has talked to Road Superintendent Rex Funk and that one of the requirements in order for him to install a water line from Ferron to Molen is that he obtain a bond. Mr. Duncan indicated that he is not bonded, but that he can meet the other requirements. He indicated that the Castle Valley Special Service District has agreed to bore under the County Road where necessary in two locations.

Mr. Duncan indicated that his request of the Commission was to obtain a statement to waive the bonding requirement and authorize him to install a 2" water line in the County Road Right of Way. Mr. Duncan further indicated that he would leave the existing line in place for those home owners and farmers who do not want to participate in the new line. Mr. Duncan indicated that the need for the water line is that the existing line, because of the increased pressure

has frequent breaks.

In responding to a question by the Commission as to whether Mr. Duncan could live with the rest of the requirements of the Encroachment permit, Mr. Duncan indicated that yes, he could. Amongst those would be to put the gravel back as specified in the crossing of any County roads and the hauling of additional fill should any settlement occur.

Whereupon, motion was made by Commissioner Jerry Mangum to authorize the waiving of the bond requirement, if cleared by the County Attorney's office and no other legal problems are incurred, and authorize Mr. Duncan to place a water line in the County Road right of way. Motion was seconded by Commissioner Duane Collard and approved by all members present. (County Attorney Scott Johansen later advised the Commission that the bond could be waived provided that other satisfactory arrangements could be made such as an agreement.)

(7)

#### PERSONNEL ITEMS

Emery County Personnel Manager, Karen Truman, presented the following to the Commission for their approval:

Personnel Items, cont. . . .

A) Auditor's Office - Lorna Davis and Charlane Luke - Presented to the Commission was the Personnel Action Form for Lorna Davis of the Auditor's Office for a merit change from a Grade 6, Step 7, or a salary of \$1,522 per month to a Grade 6, Step 8, or a salary of \$1,575 per month. Also presented was the Personnel Action Form for Charlane Luke of the Auditor's Office for a merit change from a Grade 5, Step 6 or a salary of \$1,394 per month to a Grade 5, Step 7 or a salary of \$1,442 per month.

Emery County Auditor Karen Truman indicated the increase request was a result of increased Auditor responsibilities taken on by their office for the Emery County Special Service District No. 1. The Commission questioned Mrs. Truman as to their understanding that David Wilson was hired for that additional work. Karen Truman indicated that for some time she has needed the additional half time person and that he was hired for other duties.

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the merit changes for Lorna Davis and Charlane Luke as requested, effective July 1, 1989. Motion was seconded by Commissioner Duane Collard. Motion passed.

B) Assistant Librarian - Ferron - Presented to the Commission for their consideration was the Personnel Requisition Form for an assistant librarian at the Ferron library to replace Sandra Gee who is moving from the area. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Requisition and begin the recruitment process to replace Sandra Gee as the assistant librarian at Ferron. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

C) RSVP Bus Drivers - Presented to the Commission for their consideration were the Personnel Action Forms for Sjors Van Zyverden of Huntington and Thomas R. Livingston of Huntington who now become county employees and serve as RSVP bus drivers to be paid at the rate of \$5.00 per hour on an on-call status effective July 1, 1989. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Action Forms for Sjors Van Zyverden and Thomas R. Livingston as present. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(8)  
ENHANCED EMERGENCY 911 NUMBER

Commission Chairman Clyde Thompson reviewed with the Commission a letter the Commission received from the Emery County Farmers Union Telephone Association, as well as one addressed to Emery County Sheriff Lamar Guymon. Emery County Farmers Union Telephone Association is inquiring as to Emery County's interest in installing the enhanced 911 emergency phone number.

911 Service, cont. . . .

Commissioner Thompson indicated that the initial installation costs range from \$25,000 to \$30,000. He noted that the original plan was for a .50 cent per month charge for each phone user to help pay for the installation of the system. However, the Telephone Company indicates that such prior collection may not be legal. It was the consensus of the Commission that although it is a very important service, there are other needs much greater in the County. It was noted that the County does not receive many emergency calls. It was indicated that people in the area know the health needs of each other and that address locations on the system would be difficult. It was questioned whether Emery County could afford such a system. Whereupon, it was the consensus of the Commission to take a close look at the system again at budget time and investigate it further.

(9)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 11:19 a.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

A meeting was held after the regular Commission meeting at 1:30 p.m. with Congressman Wayne Owens in regards to Wilderness issues. The comments of that meeting were recorded on tape which is on file in the Clerk's office.

ATTEST

CHAIRMAN

ComMin7-19-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

July 19, 1989

Those present at the meeting were Commissioners Clyde Thompson and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk. Commissioner Jerry Mangum was excused from the meeting because he is in the hospital.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce Funk.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the July 5, 1989, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to accept the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and

approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented Warrant Edit List #892179 through and including #892339 for payment. Motion was made by Commissioner Duane Collard to approve all warrants for payment, indicating that a correction be made that the PMS warrant be for the July billing rather than the June billing. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

The following requisition was presented to the Commission for consideration:

Req. #	Item and Description	Amount	Action
45	Computer Terminal and Key Board - Assessor	845.00	Approved

Motion was made by Commissioner Duane Collard to approve the requisition for purchase. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)

#### UTAH ENERGY OFFICE - GRANT ENERGY MONIES

Commission Chairman Clyde Thompson reviewed with those present a letter he received from the Utah Energy Office. In the letter, it was noted that monies are available to make buildings more energy efficient. They suggested that the Sheriff and the Commission look at improving the Green River facility such as insulation and installing insulated overhead doors. This item will be taken up with Sheriff, Lamar Guymon and discussed further.

(4)

#### EMERY COUNTY AGING COUNCIL - BOARD APPOINTMENTS

Motion was made by Commissioner Duane Collard to approve the appointment of Nels Hansen of Emery to replace Olie Jensen, who passed away, and Kay Jewkes of Green River who will serve on the council in conjunction with DelBert Tidwell who is unable to attend the meetings. It was noted that the term of office is uncertain at this time, but it would be for one term. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(5)

## SOUTHEASTERN UTAH ADVISORY COUNCIL ON AGING AND NUTRITION

Motion was made by Commissioner Duane Collard to reappoint Celia Acerson of Green River to the District 7-A which is the Southeastern Utah Advisory Council on Aging and Nutrition for an additional term. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(6)

### WILDERNESS COALITION CHAIRMAN

Commission Chairman Clyde Thompson indicated that on Wednesday, July 12, 1989, a Wilderness Coalition of Emery County was formed. Jason Brantson was appointed as the temporary Chairman. Their next meeting is scheduled for August 8 at 7:00 p.m. It was further noted that this group will become affiliated with the Utah Wilderness Coalition and others interested in opposing wilderness designation.

(7)

### EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1 - BOARD APPOINTMENT - BEVAN WILSON

Commission Chairman Clyde Thompson noted that he has discussed with Bevan Wilson an appointment to the Emery County Special Service District No. 1. Mr. Wilson has agreed to take that position. Commission Chairman Clyde Thompson indicated that it was necessary for Commissioner Jerry Mangum to give up the position because the guidelines do not allow him to serve on that Board.

Special Service District No. 1 Board Appointment, cont. . . .

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the appointment of Bevan Wilson to serve on the Emery County Special Service District No. 1 to replace Jerry Mangum. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(8)

### TRANSFER OF FUNDS TO EMERY COUNTY TAX STABILITY AND TRUST FUND - RESOLUTION 7- 19-89A

Presented to the Commission was Resolution 7-19-89A which is a resolution transferring \$2,000,000 in unappropriated fund balances in the Emery County General Fund to the Tax Stability and Trust Fund created by Emery County Ordinance 7-9-80D. The Resolution further includes that the capital improvement road fund which is fund #45 be closed and that said balance fund of



\$3,315.22 be transferred to the Tax Stability and Trust Fund created by the same Ordinance. That the interest generated by the Tax Stability Trust Fund for the year 1989 be added to the principle of the trust fund and not be returned to the General Fund.

Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the Resolution transferring funds as indicated to the Emery County Tax Stability and Trust Fund. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(9)  
PERSONNEL POLICY AMENDMENT - RSVP DIRECTOR ADDITION -  
RESOLUTION 7-19-89B

Presented to the Commission for their consideration was Resolution 7-19-89B which amends the Emery County Personnel Policy Ordinance 12-16-82D wherein it adds to the policy the new classifications for a Retired Senior Volunteer Program (RSVP Director) designated at a Grade 8 with necessary class specification. Whereupon, motion was made by Commissioner Duane Collard to adopt Resolution 7-19-89B as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(10)  
RESOLUTION 7-19-89C - TRANSFERRING FUNDS TO THE LIBRARY CAPITAL  
IMPROVEMENT  
FUND

Presented to the Commission was Resolution 7-19-89C which transfers \$100,000 of the unappropriated balance of the Library Fund into the Library Capital Improvement Fund and that interest generated by the Library Capital Improvement Fund for the year 1989 be added to the principal of the Capital Improvement Fund and not returned to the Library Fund. Whereupon, motion was made by Commissioner Duane Collard to approve Resolution 7-19-89C as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(11)  
AOG INTERLOCAL AGREEMENT

Forwarded to the Commission by Maughan Guymon was the annual Association of Government agreement with Emery County wherein the AOG administers certain programs for the County. It was noted that this is a renewal of the previous year's agreements. Whereupon, motion was made by Commissioner Duane Collard to approve the Interlocal Agreement as presented with the correction that the

reference to the administration of the RSVP program by the AOG be stricken in that it is now administered by the County. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(12)

RESOLUTION 7-19-89D - AMENDING THE 1989 EMERY COUNTY BUDGET

Presented to the Commission for their consideration was Resolution 7-19-89D which amends the 1989 Emery County General Revenue and Expenditure Budgets. It was noted that the total revenue and expenditure remains the same, the only change is that revenue sources have changed. Whereupon, motion was made by Commission Chairman Clyde Thompson to accept and adopt the amended 1989 Emery County budgets as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(13)

RESOLUTION 7-19-89E - SETTING THE TAX RATE FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT

Presented to the Commission for their consideration were the proposed tax rates as follows:

Emery County: General Operations - .002959; Debt Service - .000185; Library - .000214; Flood Control - .000197; and Property Tax Collection - .000500 for a total proposed tax rate of .004055.

Castle Valley Special Service District: Water Purification and Sewage Disposal - .000705 and Debt Service - .001843 for a total proposed tax rate of .002548.

Motion was made by Commission Chairman Clyde Thompson to set the tax rates for the year 1989 for the Emery County and Castle Valley Special Service District as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present. (No Resolution was received at this time.)

(14)

PERSONNEL ITEMS

Emery County Deputy Auditor, Lorna Davis, presented to the Commission for their approval were the following Personnel Action Forms:

Personnel Items, cont. . . .

A) Dwendle Wilcox - Green River Justice Court Judge - Presented to the Commission was the Personnel Action form for Dwendle Wilcox to be hired as the Green River Justice Court Judge. Although no salary has been set at this time, the effective date is August 1, 1989. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form for Dwendle Wilcox as presented.

B) Betty Burns - Green River Justice Court Clerk - Presented to the Commission was the Personnel Action form for Betty Burns to serve as a full-time Justice Court Clerk in the Green River Justice Court office to be a Career Service Employee with full benefits, at a Grade 5, Step 1, or a salary of \$1,176 per month. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form for Betty Burns as presented. Effective date is August 1, 1989.

C) Verna Higbee - Ferron Asst. Librarian - Presented to the Commission was the Personnel Action form for Verna Higbee to be hired as the Assistant Librarian at the Ferron Library on a part-time basis to be paid at the rate of \$6.08 per hour for 24 hours per month. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form for Verna Higbee as presented. Effective date is July 13, 1989.

D) Justice Court Precinct No. 1 Court Clerk - It was the consensus of the Commission that no action be taken at this time on a request for a clerk to assist Judge Stan Truman in the Justice Court Precinct No. 1.

(15)

#### JOSEPH JENSEN - EQUIPMENT REQUEST

Mr. Joe Jensen came before the Commission indicating that he had bought property from the County in the May Tax Sale only to find out that the County did not own the property. He informed the Commission that he has spent a great deal of time to improve the property and in obtaining title and he feels that some reimbursement should be due back to him. He indicated that he has since purchased another piece of property. His request of the Commission is the use of a grader for approximately two to three hours to make improvements on the new property.

Commission Chairman Clyde Thompson informed Mr. Jensen that County Equipment could not be used on private property and that he might further discuss this with Commissioner Jerry Mangum. Mr. Jensen indicated that he would be interested in doing the work the latter part of August or the first part of September.

(16)

#### ECONOMIC DEVELOPMENT BOARD - DIRECTOR REQUEST

Wes Curtis, Mary Earl, Elaine Wilson, James Fauver and Sharon Baker came before the Commission inquiring of the Commission its intent to fill the vacancy left by Scott Truman as the Economic Development Director. Speaking for the group was Wes Curtis who indicated that the Economic Development Board strongly supports continuation of the Economic Development Director position in light of the efforts made in the direction of Economic Development over the past four years. He further indicated that his group recommends replacing Scott Truman. He noted that there are several things in place at the present time and that Emery County not slow down in Economic Development. He also inquired of the Commission if the Economic Development Board would have any input and suggestions into the selection.

Commission Chairman Clyde Thompson indicated that the Economic Development Board first needs to give the Commission direction as to whether the County should take over the position with the possibility of combining it with other County responsibilities or whether it would stay under the direction of the Economic Development Council. It also needs to be determined whether the position will be a part-time or a full-time position. It was noted that last year the position came under the direction of the County and that Mr. Truman had been greatly involved in land issues and other things as the Commission so directed.

The Commission indicated that there are funds in the budget at this time to fill the position. However, at budget time the Commission will consider whether to fund a full or part-time position should the Economic Development Council take full responsibility for the Director.

Wherein, it was the consensus of those present that they discuss this item further as a Board and bring back to the Commission their recommendation.

(17)

#### EMERY COUNTY NURSING HOME - HILL BURTON ACT

Emery County Deputy Attorney, Steven Killpack, addressed the Commission in regards to the Emery County Nursing Home and their compliance with the Hill Burton Act in light of the agreement with Heritage. He noted that in discussions with Randy Kurton of Heritage that there have been staff changes in Government offices and it appears new efforts will have to be made to resolve the issue.

Mr. John Bramal, Emery County Nursing Home Administrator, was also present at this time to discuss the matter further with the Commission. He noted that he has also discussed this with Randy Kurton of Heritage. It was originally

indicated that Mr. Kurton felt that this was a County problem. It was Mr. Kurton's recommendation that Mr. Killpack and other representatives meet in Denver with the Hill Burton Representative or possibly in Washington, D.C. Mr.

Nursing Home, cont. . . .

Bramal indicated that the original reason for the agreement was to protect the Hill Burton obligation of the County and that it is a good care facility and has met those obligations over the years. Mr. Bramal further agreed to do what he could in resolving the issue.

It was the recommendation of Commissioner Collard and consensus of the Commission that John Bramal and Steve Killpack get together and prepare a position of the County for presentation to Denver or Washington whether in writing or in person. Commissioner Collard further directed Steven Killpack to call the Hill Burton representatives and let them know that the preparation is under way. No further action was taken at this time by the Commission.

(18)

ADJOURNMENT FOR LUNCH

Motion was made by Commission Chairman Clyde Thompson to adjourn for lunch at 12:07 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:30 p.m. with all members present.

(19)

RESOLUTION 7-19-89F - SETTING OF PUBLIC HEARING FOR TWO UTAH POWER AND LIGHT PROJECTS

Presented to the Commission for their consideration was Resolution 7-19-89F which calls for a public hearing on two large-scale industrial projects for Utah Power and Light. One is at the Hunter Power Plant site near Castle Dale to build a coal washer and blender facility and the other proposal is at the Huntington Plant to build a waste rock storage facility. The Resolution authorizes the advertisement of a public hearing.

Whereupon, motion was made by Commissioner Duane Collard to adopt Resolution 7-19-89F as presented and setting the date of September 6, 1989, at 11:00 a.m. for the public hearing in the Emery County Commission meeting room. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(20)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:19 p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin8-2-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

August 2, 1989

Those present at the meeting were Commissioners Clyde Thompson and Duane Collard; County Attorney, Scott Johansen and Clerk, Bruce C. Funk. Commissioner Jerry Mangum was excused from the meeting because he is recovering from surgery.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:05 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the July 19, 1989, Commission meeting were reviewed. Motion was made by Commissioner Duane Collard to approve the minutes as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #892349 through

and including #892516 for payment. Motion was made by Commissioner Duane Collard to approve the warrants and the additional add-ons at this time. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
46	8 Port Serial Controller and Installation - Data Processing	2,155.00	Approved
47	630MB Hard Drive with Controller - Sheriff	2,799.00	Approved

Motion to approve the requisitions for purchase was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)  
\$70,000 STATE CIVIL DRUG FORFEITURE MONEY

County Attorney Scott Johansen presented to the Commission an agreement wherein Emery County accepts \$70,000 in State Civil Drug Forfeiture monies. This is to be applied to the Green River facility with the stipulation within the lease agreement that the old substation be leased to the Utah Highway Patrol for a period of four years without cost. The documentation comes from a new agency and has received previous Commission approval. At this time the Commission Chairman and Clerk signatures were needed. Whereupon, copies were signed as required for forwarding to the State office for their signatures.

(4)  
COUNTY ATTORNEY SCHOOLING

Emery County Attorney, Scott Johansen reviewed with the Commission notifications of two seminars. One in San Francisco to be held in October in relation to drug prosecution and the second one being held in Denver in January on trial advocacy. He noted that both would be at a cost of \$450.00 plus expenses to the County. They are sponsored by the National College of District Attorneys. His request of the Commission was as to which seminar, if any, they would prefer he attend. The Commission indicated that possibly the Denver seminar would be advantageous, but would leave it up to his own discretion.

(5)

RESOLUTION 8-2-89 - CLASS SPECIFICATION FOR ECONOMIC DEVELOPMENT/PLANNING AND ZONING DIRECTOR

Emery County Auditor, Karen Truman presented to the Commission for their consideration and approval Resolution 8-2-89. The resolution outlines the class specification and job description of the Economic Development/Planning and Zoning Director to be established at a Grade 15 with the job description attached thereto. Motion was made by Commissioner Duane Collard to approve the class specification of the Economic Development/Planning and Zoning Director and that it be added to the Emery County Personnel Policy. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(6)  
PERSONNEL ITEMS

Emery County Auditor Karen Truman presented the following items to the Commission for their consideration:

A) Carol Ann Ekker - Green River Justice Court Clerk - Resignation - Presented to the Commission was the Personnel Action Form for Carol Ann Ekker who serves as the Part-Time Justice Court Clerk and Bail Commissioner in Green River. She has resigned from the position effective August 3, 1989. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson

Personnel Items, cont. . . .

to approve and accept the resignation and Personnel Action Form of Carol Ann Ekker, expressing appreciation for the fine work which she has done. Motion was approved by all members present.

B) Dwendle Wilcox - Justice Court Judge Salary Setting - The Commission discussed the salary for Dwendle Wilcox who was approved in the previous Commission meeting as the Green River Justice Court Judge. A salary has not been set and that the Court Administrator's office has not made any recommendation. Therefore, motion was made by Commissioner Duane Collard to set the annual salary at \$20,000. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. Effective date is August 1, 1989.

C) Gwynith Parriott - Green River - RSVP Moab Coordinator - Presented to the Commission was the Personnel Action form for Gwynith Parriott who serves as the Moab Coordinator for RSVP. This is as a result of RSVP now being under the County Direction. She will now become a County employee at a salary of \$425.00



per month on a permanent part-time status, working 20 hours per week. Whereupon motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve the Personnel Action Form for Gwynith Parriott as presented. Motion was approved by all members present. Effective date is August 2, 1989.

(7)

#### ECONOMIC DEVELOPMENT/PLANNING AND ZONING ADMINISTRATOR

Those present at the meeting at this time were: Dixie Thompson, Doug Allen, Dustin Beal, members of the Economic Development Council and Chamber of Commerce, Sharon Baker, Wes Curtis, Jim Fauver and Elaine Wilson. Emery County Auditor, Karen Truman presented the Personnel Action Form for the hiring of an Economic Development/Planning and Zoning Director and inquired of the Commission if they were ready to approve the name of J. Bryant Anderson.

Motion was made by Commissioner Duane Collard to approve J. Bryant Anderson to serve as the Economic Development/Planning and Zoning Director for Emery County. Commissioner Collard advised those in attendance that the Commission received eight applications from Job Service and had interviewed three of the applicants on Monday in regards to the position being discussed.

The review committee was made up of Commissioner Duane Collard, Wes Curtis - Chairman of the Economic Development Council, and Karen Truman - Emery County Personnel. Among the qualifications was that the applicant have a College Degree. The three interviewed were Dixie Thompson, Roseann Fillmore and J. Bryant Anderson and that each had particular strengths.

Economic Development/Planning and Zoning Director, cont. . . .

He noted that the selection committee would have been comfortable with any of the three. However, they felt that J. Bryant Anderson was possibly the best qualified and had the experience in related areas, particularly that in construction and had good ideas in Economic Development. Therefore, J. Bryant Anderson was the committee's recommendation for the Commission to consider at this time.

Mr. Doug Allen (who had also applied, but had not been interviewed) questioned the legality of the selection and if there wasn't a better qualified applicant. He questioned if those interviewed met the minimum requirements, if not, then all candidates should have been interviewed by the Commission. He referred to the July 21 advertisement wherein it required a BS Degree and a variety of other requirements. He, therefore, requested that the Commission consider his educational background, work experience and community experience in that he

meets or exceeds any candidate that was considered, but not interviewed. He further asked of the Commission in which area did his qualifications not meet or exceed those that were interviewed. He noted that although he doesn't have a BS degree, he has equivalent educational units. He has the experience, work experience in selling and marketing positive things for the government and the State of Utah and that nowhere is a BS degree offered in Economic Development.

In reply, Commissioner Collard noted that one of the hiring requirements was for a BS Degree. He noted that they had the responsibility to begin the interview with those who met the requirements. Others would only be considered if no one in the first grouping was found to be acceptable or did not have the degree.

Dixie Thompson addressed the Commission expressing concern about the qualifications of Mr. Anderson as the Economic Development Director. She questioned the experience or education relative to his qualifications under Economic Development. She also questioned whether the Economic Development Council was involved.

Wes Curtis, Chairman of the Economic Development, addressed those present indicating that this item was discussed in the previous Commission meeting. It was questioned as to whether the position was a County position or not, noting that he has since that meeting met with Auditor, Karen Truman and determined that in July of 1988 it did become a County position. Therefore, under that condition basically it took it out of the hands of the Economic Development Council.

Mr. Dustin Beal of Orangeville, Utah, also expressed opposition to the Commission in the selection and qualifications of the hiring of Bryant Anderson.

Economic Development/Planning and Zoning Director, cont. . . .

After further discussion by those present, Commission Chairman Clyde Thompson indicated that other matters had yet to be considered this day. He indicated that nothing was being accomplished by further discussion of this matter. Therefore, he seconded the motion of Commissioner Collard to approve the hiring of J. Bryant Anderson and approve the Personnel Action Form as recommended and presented to the Commission at this time. Effective date is as soon as Mr. Anderson can be contacted. The salary is to be at \$2,039.00 per month, at a Grade 15, Step 1. Motion was approved by all members present.

(8)

EMERY COUNTY FARMERS UNION TELEPHONE - 911 EMERGENCY CALLING

Mr. Keith Ware, Administrator of the Emery County Farmers Union Telephone Association, together with Greg Killpack, who will eventually replace Mr. Ware upon his retiring, Paul Crawford and Wes Curtis were before the Commission to discuss the emergency phone system E-911 and 911. Mr. Ware noted that the Telephone Association is ready to go ahead with the 911 service which would be at no cost to Emery County. This would allow patrons under the Emery County Farmers Union Telephone Association to get in contact with the Emery County Sheriff Dispatcher by dialing 911. He noted that this is not the same as the E-911 which has been previously discussed by Mr. Ware and the Commission. The 911 service would not include Huntington or Green River in that they are under the Mountain Bell phone system. He indicated that it could have a very positive effect in forcing Mountain Bell to make needed improvements in those two communities so that future service can be provided to them.

Mr. Ware presented to the Commission Mountain Bell's proposals for the E-911 system. He noted that their first recommendation would be Option B in which the data bank would be in Denver, Colorado, and the office in Salt Lake City. Therefore, when an emergency number was dialed, those calls would first be transferred to Salt Lake and then to the data bank in Denver and then back to the caller. He indicated that this would not create much of a delay, but there could possibly be some difficulties in larger disastrous situations. Monthly total cost to the County for all communities would be \$2,093 with a one-time charge of \$15,295.

Option A, which was the preference of the Telephone Company Board, would be to keep the data bank in Emery County and that services go through the Castle Dale Office. He noted that the cost Mountain Bell would charge to the users of Huntington and Green River would be \$830 per month and a one-time charge of \$9,320. He noted that Emery County could be expected to pay for those costs in upgrading the Huntington and Green River facilities which would make it considerably more. Pricing in either option does not include the costs of the County trunk lines.

Mr. Paul Crawford, addressed the Commission and indicated that control by others would not be good for Emery County. He indicated that we need to

911 Emergency System, cont. . . .

provide the customers with some form of 911 service and that is why they are proceeding with the 911 service. He noted that it would still allow future upgrade to the enhanced 911. It was further noted to the Commission that the 911 service would be at no cost to the County or residents at this time. However, those present questioned the Commission if it would not be advisable for the Commission to assess the additional .50 cent charge to prepare for the

future installation of the E-911 service.

After further discussion, motion was made by Commissioner Duane Collard to notify Emery County and Mountain Bell to add the additional .50 cent per month per user charge to cover those costs in the future installation of the E-911 service. County Attorney, Scott Johansen is to prepare the necessary documentation. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(9)

#### GOLF COURSE - BEER LICENSE

Emery County Assessor, Jim Fauver, at the request of Jerry Braun, operator of Millsite Golf Shop came before the Commission inquiring as to what needed to be done in obtaining a beer license for the Millsite Golf Shop. He has reviewed this briefly with County Attorney, Scott Johansen. Mr. Johansen recommended that Mr. Fauver take this back to Mr. Braun and have him make application as to which class of license he would require and to bring that back to the Commission for further consideration. No action was taken in regards to this matter at this time.

(10)

#### BUSINESS LICENSE APPROVAL

Presented to the Commission was the application for business license from Mike Blades, operating Blades Auto Salvage in Cleveland, Utah. Mr. Fauver, who was present advised the Commission that he has reviewed the matter previously and it was his recommendation that the business license be approved. Whereupon, motion was made by Commissioner Duane Collard to approve the business license of Michael J. Blades, operating Blades Auto Salvage. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(11)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Duane Collard to adjourn for lunch at 12:19 p.m. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:40 p.m. with all members present.

(12)

#### VETERANS AND BLIND EXEMPTIONS

Emery County Auditor, Karen Truman, presented to the Commission for their consideration the names of those individuals who are to receive either blind or veterans exemptions. After review, motion was made by Commissioner Duane Collard to approve the list as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members presented.

(13)

#### ROAD DEPARTMENT BUSINESS

A) Equipment Trade - Road Superintendent Rex Funk presented to the Commission a proposal to trade a County four-wheel drive truck with utility bed to the Carbon County Bus Garage. He noted that they would like to trade a 10 seat stretch van for that truck. He indicated that basically the truck has been taken out of the service of the Road Department. Therefore, he requested of the Commission that they consider this action. Upon review, motion was made by Commissioner Duane Collard to authorize Road Superintendent Rex Funk to proceed in making the change and authorize the Commission to sign the disposition form in regards to the County vehicle. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

B) Chipping of Millsite State Park - Mr. Funk noted that Nolan Hansen of the State Parks and Recreation has contacted him and inquired if the Emery County Road Department would chip and seal the Millsite State Park, approximately 19,500 square feet. Mr. Funk further noted that they would be back in the chipping mode in mid-September and that it would take approximately one day if the County was to do so. He further noted that Nielsen Construction will be doing the gravel work and enzyme placement. The Commission inquired if Nielsen could do the chipping. After further discussion, it was the consensus of the Commission that the Parks and Recreation Department make arrangements with others rather than have the County involved in providing such services. It was noted that this has been done within the cities since they are part of the Castle Valley Special District.

C) Snowmobile Parking - Commissioner Duane Collard noted that he has met with representatives of UDOT, the Forest Service, State Parks and Recreation and the Snowmobile Users regarding snowmobile parking. He indicated that they have looked at two sites in the Huntington Canyon area. One adjacent to the highway and the other approximately 100 feet off the highway. UDOT has recommended the location adjacent to the highway in that snow removal could be made by their crews at no additional expense or cost. Mr. Ira Hatch of the Forest Service will look into and provide to those individuals present estimated costs of improving the sites and any available monies to do so.

Commissioner Collard inquired if the County wanted to put money into the improvements or to furnish equipment and materials. Rex Funk indicated that there are possible monies available, but it was recommended by all present that

Road Department, cont. . . .

bids be obtained to do the work. Therefore, Commissioner Collard would like to see the development of both sites with the UDOT recommended site to receive prime consideration and the other one prepared and graded off as an overflow area.

(14)

#### WESTERN AUCTION COMPANY - SURPLUS EQUIPMENT

Mr. Ken Young, owner and operator of the Western Auction Company of Spanish Fork, Utah, inquired of the Commission if they would consider using himself and his facilities to auction County surplus equipment. Wherein, he charges 15% of the total sale price and covers all expenses including transportation of the equipment to his sale yard with the exception of heavy or large pieces such as road graders and caterpillars. He has a mailing list of over 2,000, has four acres of yard and is bonded. It was his recommendation that sales be conducted in his yard, in that they would bring substantially more money than if auctioned locally, but would be willing to do as the Commission so directed. He left with the Commission a copy of a contract for their review should the Commission consider his services. The Commission expressed appreciation to Mr. Young in being in attendance and that they would get back in contact with him.

(15)

#### COURT SECURITY

County Clerk, Bruce Funk presented to the Commission the Court Security Plan for the Emery County Court facilities which has been prepared by the Emery County Sheriff's office and Tim Simmons, Court Executive for the Seventh Judicial District. Mr. Funk indicated that it appears that future court use would be that of one courtroom only. The area would be kept secure and locked with a controlled key system and that needed security improvements would be made to the facilities probably at the cost of the Court Administrator's office. No action would be required of the Commission, but this was strictly to serve as notice on them as to the facility and its court use.

(16)

#### UTAH LEGAL SERVICES - ROOM USE

Commission Secretary Leslie Bolinder inquired of the Commission the use of a room on the second Thursday of every month by Chon Candares who is a paralegal for Utah Legal Services in providing legal services to indigent county residents. Requested was the use of the same room used by Social Security who use the room on the first Thursday of every month. It was the consensus of the

Commission that Ms. Candares be notified that the room would be available for use in providing those services in Emery County.

(17)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:46 p.m. was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin8-16-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

August 16, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; County Attorney, Scott Johansen; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the August 2, 1989, Commission Meeting were reviewed. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the minutes as presented. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List # through and including # for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisition was presented to the Commission for approval:

Req. #	Item and Description	Amount	Action
48	16 MM Sound Projector and Screen - Road	300.00	Approved

(3)

#### PERSONNEL ITEMS

Emery County Auditor, Karen Truman, presented the following personnel items to the Commission for their consideration:

A) RSVP Coordinator - Requisition - Presented was the Personnel Requisition Form for an RSVP Coordinator to replace DeAnna Van Zyverdan who resigned in May 1989. Karen Truman indicated that since the time that Mrs. Van Zyverdan

Personnel Actions, cont. . . .

resigned, RSVP has been using a JTPA employee. The JTPA employee is no longer available and it is their request to replace Mrs. Van Zyverdan at this time. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the requisition for an RSVP Coordinator and begin the recruitment process. Motion was approved by all members present.

B) Assistant Green River Justice Court Clerk - Requisition - Presented was the Personnel Requisition Form for a part-time Assistant Green River Justice Court Clerk to work 20 hours per week. The Commission questioned the need for a part-time clerk because Betty Burns is now a full-time clerk in that court. The Commission will hold this request until Commissioner Mangum can go to Green River to review the present situation and need for the additional employee.

C) Les Wilburg and Tom Harrison - Sheriff's Office - Presented were the Personnel Action Forms for Les Wilburg and Tom Harrison of the Sheriff's Department. Sheriff Guymon informed the Commission that Mr. Wilburg and Mr. Harrison have complete a six month probationary period as Detectives in the Sheriff's Office. He indicated that when they were promoted to Detectives this was for a six-month probation period without increase. He indicated that they have now completed the six-month probation period and he would like to have them reclassified from a Grade 11, Step 2 or a salary of \$1,768.00 per month to



a Grade 13, Step 1, or a salary of \$1,907.00 per month. He indicated that this is the appropriate Grade and Step for Detectives. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Forms for Les Wilburg and Tom Harrison as presented. Motion was approved by all members present. Effective date is August 16, 1989.

(4)

#### ENTERPRISE ZONE APPLICATION - RESOLUTION 8-16-89A

Commission Chairman Clyde Thompson presented to the Commission Resolution 8-16-89A which is the Enterprise Zone Application from Emery County to the State Economic Development. After review by the Commission, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve Resolution 8-16-89A as presented. Motion was approved by all members present.

(5)

#### AMENDMENT TO EMERY COUNTY PERSONNEL POLICY - RESOLUTION 8-16-89B

Emery County Auditor, Karen Truman, presented Resolution 8-16-89B which amends the Personnel Policy and adds the Justice Court Clerk position at a Grade 5. This was not in the personnel policy previously because it was a part-time position and needs to be added at this time. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve Resolution 8-16-89B as presented.

(6)

#### BONNIE KEELE - WILDERNESS ISSUES

Bonnie Keele from Ferron came before the Commission to discuss some items regarding the Wilderness Coalition recently formed in Emery County. She discussed the recent meeting held and addressed the problem they have with financing of the group. She also informed the Commission of a letter she has drafted regarding wilderness which she would like to have printed in the Salt Lake Tribune. After further discussion by the Commission and Mrs. Keele, no Commission action was necessary.

(7)

#### BONNIE KEELE - TELEVISION RECEPTION

Bonnie Keele from Ferron came before the Commission regarding the television reception in Emery County. Bret Mills, from the Communications Department, discussed the problem with those present. Two of the problems are interference

from Denver and the age of the equipment. The County recently had to replace the power line to the translator station which cost \$150,000. This was to reduce the possibility of lightning damaging the line. He also indicated that lightning recently hit the translator for Channel 11 and there are no replacement parts for that type of translator.

Commissioner Collard indicated that it is their goal to try to replace one translator each year. When it is budget time, they are going to try to put enough money in the budget to try to accomplish this goal. This year, they would like to replace the radio amplifier for FM 100.

No Commission action was necessary at this time.

(8)

#### KEN YOUNG - AUCTION

Mr. Ken Young, from the Western Auction Company of Spanish Fork, came before the Commission and informed them that he was putting together an auction for the end of September. He inquired if the County would have any equipment ready at that time that they would like him to auction. The Commission indicated that the only equipment they would have ready at that time would be some from the Road Department and a few items of office equipment. No Commission action was necessary.

(9)

#### ADJOURNMENT FOR LUNCH

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to adjourn for lunch at 12:05 p.m. Motion was approved by all members present.

Meeting reconvened at 1:20 p.m. with all members present.

(10)

#### BOARD OF EQUALIZATION

Deputy Assessor, Carol Riddle, came before the Commission and presented the results of the Board of Equalization for Emery County. After review by the Commission, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to accept the adjustments of the Board of Equalization and close the same at 2:00 p.m. Motion was approved by all members present.

(11)

## BUSINESS LICENSES

Deputy Clerk, Julie Winn, presented the following Business License Applications for Commission consideration.

A) Ron Barney - Auto Wrecking - Presented was the business license application for Ron Barney from Emery Recycling for the business of Auto Wrecking. After discussion, it was the consensus of the Commission that this type of business be included in his previous license purchased for the recycling facility. No further Commission action was necessary.

B) Jerry Braun - Millsite Golf Shop - Presented was the business license application for Jerry Braun for Golf Sales and Snack Bar at the Millsite Golf Shop. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the business license application for Jerry Braun as presented. Motion was approved by all members present.

C) Mark Minchey - Price Steel Fabrication - Presented was the business license application for Mark Minchey to do construction work in Emery County. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the business license application for Mark Minchey as presented.

(12)

## MEETING ADJOURNMENT

Motion was made by Commissioner Jerry Mangum to adjourn the meeting at 2:15 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin9-6-89

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

September 6, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum

and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the August 16, 1989, Commission Meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the minutes as corrected. Motion was approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #892722 through and including #892938 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented to the Commission for consideration:

Req. #	Item and Description	Amount	Action
49	Two desks, five chairs - Justice Court Prec. #3	1,000.00	Approved
50	IBM Selectric Typewriter - Treasurer		Approved
51	Concrete repair and replace- ment - Nursing Home	7,615.00	Approved
52	Carpet - Weed & Mosquito	319.00	Approved
53	FAX Machine - District Ct.	1,500.00	Approved

September 6, 1989

Requisitions, cont. . . .

Req. #	Item and Description	Amount	Action
54	Translator for Ch. 5 to 56 - Television	21,240.00	Approved

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all requisitions for purchase.

(3)

#### CLERK'S BUSINESS

Emery County Clerk, Bruce Funk presented to the Commission a request from Huntington City Mayor to change the polling place for the municipal election from the Huntington Senior Citizen Center to the Huntington Town Hall. Mr. Funk indicated that he has visited the facility and found it to be adequate for all elections, including the general elections conducted by the County. Therefore, it was Mr. Funk's recommendation that the polling place for Huntington be permanently located at that facility as long as they are in compliance with the election handicapped requirements. Mr. Funk indicated that presently, it appears they are in compliance. Motion to approve the relocation of the polling place for Huntington voting districts 8 and 9 was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

(4)

#### EMERY COUNTY COMMUNITY THEATRE

Commission Chairman Clyde Thompson read a letter received from the Emery County Community Theatre requesting memberships and associated donations in the organization. After discussion, it was the consensus of the Commission that the County could not participate in the organization. No action was taken by the Commission, but would be considered by the Commissioners individually.

(5)

#### ROAD DEPARTMENT SURPLUS PROPERTY DISPOSAL - WESTERN AUCTION COMPANY

Emery County Road Superintendent Rex Funk presented to the Commission a number of disposition forms for surplus Road Department equipment to be sold by the Western Auction Company. The equipment to be sold is as follows:

Item	Serial #	Fixed Asset #
------	----------	---------------

1979 Ford Pickup	4256
1976 Ford Utility	4204
1974 Ford Van	2761
1976 Dodge Crewcab	4222
1974 Ford 1 Ton	4191
1981 GMC T Ton	4227

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Road Department, cont. . . .

Item	Serial #	Fixed Asset #
1973 Ford F750 Cabover	C75VW47856	4323
1978 Yale Loader	30-1473	1683
Hollingsworth Generator		1579
Oil Distributor		None
Kohler Generator	95857-1E21H1	1596
Galion Roller		None
1953 Willy's Jeep	57598	1670

It was the consensus of the Commission that should other departments have compatible type equipment for sale by Western Auction Company, that said items be referred to the Auditor's office.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the disposal of the surplus items to be auctioned off by Western Auction Company out of Spanish Fork, Utah and that Commission Chairman Clyde Thompson be authorized to sign the agreement upon approval by the Attorney's office. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)  
PERSONNEL ACTIONS

Presented to the Commission for their consideration was the Personnel Action form for Becky Farnsworth of Castle Dale, Utah, to serve as an RSVP Coordinator on a permanent part-time basis of 20 hours per week at a Salary of \$425.00 per month. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form, hiring Becky Farnsworth as the RSVP Coordinator as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(7)

ATTORNEY'S BUSINESS

A) Planning and Zoning Commission - Deputy Attorney Steven Killpack presented to the Commission by memorandum a copy of the Planning and Zoning Commission minutes. Also included were recommendations regarding the 11:00 public hearing today of the two large-scale industrial projects of Utah Power and Light Company. One is a mine rock disposal site located near the Huntington plant, the other is to be a coal washing and blending facility to be located at the Hunter Power Plant. He pointed out that the Planning and Zoning Commission has made a recommendation based on five conditions to be considered by the Commission.

B) Betty Burns - EMT - Mr. Killpack indicated that he has researched Betty Burns' ability to continue as an EMT where she now is a full-time employee of Emery County. He indicated it appears that there is no problem and that she could continue as an EMT at her own option.

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Attorney,s Business, cont. . . .

C) Commission Vehicle Use - Salary Increase - Mr. Killpack indicated that he has prepared a public notice covering a public hearing for consideration of Commissioner's use of a County vehicle. He indicated that through oversight he had not placed on the notice that consideration would be given to the Commission Chairman receiving a 10% salary increase. It was further noted that the hearing would be set for September 20 and a Resolution would be prepared.

D) Nursing Home Hill-Burton Act - Mr. Killpack indicated that in trying to resolve the nursing home conflict with the Hill-Burton Act that the Denver office has asked that the County revise the contract with the management Corporation 758 days retroactive. Therefore, they would close the audit favorably. Mr. Killpack indicated that he would submit an opinion to the Commission and bring any agreement back for signatures.

(8)

PUBLIC HEARING - UTAH POWER AND LIGHT LARGE SCALE INDUSTRIAL  
PROJECTS - COAL  
WASH AND BLENDING FACILITY - HUNTER POWER PLANT

Commission Chairman Clyde Thompson opened the meeting to a Public Hearing at 11:00 a.m. for public input on Utah Power and Light's request for a large-scale

industrial project which covers a coal wash and blending facility to be located at the Hunter Power Plant. Commission Chairman Clyde Thompson asked Mr. Dave Smaldone of UP&L who is in charge of permitting and construction, to describe the proposed project.

Mr. Smaldone responded that the coal washing and blending facility is required at the Hunter Power Plant because the ash content of the coal has increased over the past few years. He indicated that the anticipated time of construction would be this fall. He further addressed those concerns of the Planning and Zoning Commission which were dust control measures, water quality and water rights, reclamation bond, permitting by State agencies and Emery county's right of first refusal of refuse material.

Mr. Smaldone further answered and addressed questions from the following individuals: Commissioner Duane Collard asked as to the refuse disposal site, the nature of the material being disturbed and what provisions would be made for controlling dust.

Carlie Burton of Utah Power and Light informed those present that sufficient water has been procured for the washing plant and that no future purchase of water would be necessary. Also present was Val Payne from Utah Power and Light and Dan Scheletti who is with the design company. They gave to those present the estimated calculated dust emissions and methods of collection or containment.

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Public Hearing, cont. . . .

The meeting thereafter was opened to public comment. Mr. Ross Huntington, a farmer with property adjacent to the proposed site, expressed concern as to the dust, vandalism and questioned the need for permitting such a large area of ground. Mr. Smaldone indicated that the amount of the acreage could be reduced to the border on the County road.

Mr. Jay Mark Humphrey expressed concern that it appeared from his knowledge of the area that refuse would end up in the normal waste water drainage areas and that proposed areas used for refuse disposal would last only approximately five years. He also requested UP&L to address the issue of noise. Mr. Smaldone indicated that the site initially would last five to seven years. Thereafter, a new site would be located and no refuse would be allowed in the waste water drainage areas. As to the noise, he indicated that it should not exceed the



present coal handling and transfer facility that presently exists.

There being no other public comment, Commission Chairman Clyde Thompson closed the Public Hearing as it relates to the coal washing and blending facility at 12:09 p.m.

(9)

PUBLIC HEARING - UTAH POWER AND LIGHT LARGE SCALE INDUSTRIAL PROJECT - MINE ROCK DISPOSAL SITE - HUNTINGTON CANYON

Commission Chairman Clyde Thompson opened the Public Hearing at 12:10 p.m. for public input regarding the mine rock disposal site located in Huntington Canyon. He asked that Mr. Dave Smaldone, of Utah Power and Light, to describe the purpose of the project. Mr. Smaldone indicated that the site would be a disposal site for mine rock waste. He pointed out that it would not be visible from the highway. He indicated that they have received permitting and are working under the guidelines of the Department of Oil, Gas and Mining and would anticipate it holding approximately 25 years of rock storage.

Commission Chairman Clyde Thompson opened the meeting to public comment. Whereupon, there being none, he closed the Public Hearing at 12:13 p.m. and reconvened the regular Commission meeting.

(10)

LARGE SCALE INDUSTRIAL PROJECT - COAL WASHING AND BLENDING FACILITY

After further consideration by the Commission in regards to the coal washing and blending facility located at the Hunter Power Plant, motion was made by Commission Chairman Clyde Thompson to table the matter at this time. This is to allow Emery County Deputy Attorney Steven Killpack and Planning and Zoning Consultant Rodney Despain time to consider the matter further. Whereupon, this matter is to be considered at a later Commission meeting. Motion was seconded by Commissioner Duane Collard and approved by all members present.

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(11)

PRELIMINARY APPROVAL OF A MINE ROCK DISPOSAL SITE

Motion was made by Commission Chairman Clyde Thompson to give preliminary approval to the mine rock disposal site based on compliance with the requirements contained in the application documents. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(12)

RESOLUTION 9-6-89 - APPROVAL OF LARGE-SCALE INDUSTRIAL PROJECT -  
MINE ROCK  
DISPOSAL SITE - AMENDING EMERY COUNTY ZONE MAP

Presented to the Commission for their consideration was Resolution 9-6-89 which amends the official Emery County Zone Map and approves the large scale industrial project. This consists of a mine rock disposal site located near the Huntington Power Plant and grants final approval to the same project. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve Resolution 9-6-89 as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(13)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:40 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin9-20-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

September 20, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce Funk.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the September 6, 1989, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to accept the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

#### CLERK'S BUSINESS

Emery County Clerk, Bruce Funk informed the Commission that prior to the State assumption of District Court, there was an accumulation of interest in the Court checking accounts. He noted that interest is no longer being received from the banks as our office has been instructed. However, there is a total of \$2,687.89 of accumulated interest which he would like to add to the County General Fund. He will do this with the understanding that should any presently unclaimed checks be cashed in the future, the County would cover those from the County General Fund rather than the Seventh District and Circuit Court accounts. He indicated that these accounts now only have bail trust and this is a final effort to clean the accounts so that a determination can be made and accounted for as to whom the money belongs to.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the action as recommended by the Clerk and that checks be issued to the Emery County General Fund in the amount of \$2,687.89 as indicated. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #892939 through and including #893118 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
50	Three MVS Mobile Unit		

Radios - Road            904.00      Approved

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all requisitions for payment.

(4)

PERSONNEL ITEMS

Emery County Auditor, Karen Truman presented to the Commission for their consideration the following Personnel Action Forms:

A) Terry Lynn Draney-Assessor's Office - Presented was the Personnel Action Form for Terry Lynn Draney who has completed her six-month probationary period and therefore, is to be reclassified from a Grade 5, Step 1 or a salary of \$1,176.00 per month to a Grade 5, Step 2 or a salary of \$1,216.00 per month as recommended by the Emery County Assessor James Fauver. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form for Terry Lynn Draney as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Effective date is October 1, 1989.

B) Leslie Bolinder-Commission Secretary - Presented was the Personnel Action Form for Leslie Bolinder who has completed her six-month probationary period and therefore, is to be reclassified from a Grade 5, Step 1 or a salary of \$1,176.00 per month to a Grade 5, Step 2 or a salary of \$1,216.00 per month. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form for Leslie Bolinder as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Effective date is October 1, 1989.

(5)

ATTORNEY'S BUSINESS - EMERY COUNTY NURSING HOME

Deputy Emery County Attorney, Stephen Killpack reviewed with the Commission the present status of the management agreement with Heritage Management Corporation as it relates to the Hill-Burton Act. This was as discussed in a previous Commission meeting. He informed the Commission that Commission

Nursing Home, cont.

Chairman Clyde Thompson had previously signed a letter evidencing the County's agreement to the change as requested by the Hill-Burton Agency. He further informed the Commission that the Denver office would now like to see a signed contract. He indicated that he will proceed with preparation of the same. He requested from the Commission a motion to delete sections 5.01 and 5.02, retroactive 728 days as requested and that the monies remain as presently

disbursed.

Whereupon, motion was made by Commissioner Jerry Mangum to authorize Deputy Attorney, Stephen Killpack to prepare the revised management contract with Heritage Management Corporation for managing the Emery County Nursing Home, deleting sections 5.01 and 5.02 retroactive 728 days and that Commission Chairman Clyde Thompson be authorized to sign the completed document. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)

#### UTAH POWER AND LIGHT COAL WASHING AND BLENDING FACILITY

Commission Chairman Clyde Thompson reviewed with those present a letter dated September 19 that he received from Utah Power and Light Company under the heading of Pacific Power. The letter addressed the concerns aired in the Public Hearing of the previous Commission Meeting in regards to the Coal Washing and Blending facility to be located at the Hunter Power Plant. The letter addresses the dust control measures, water rights, reclamation, State permits and rights of first refusal of refuse material. The letter was signed by Jay Bret Harvey, Vice President of Fuel Resources, wherein they commit to those measures being taken.

The Commission reviewed with Deputy Attorney, Stephen Killpack whether a bond would be required in light of such a commitment. Mr. Killpack indicated that a bond would be a much cleaner action. After further discussion, it was the consensus of the Commission that copies of the letter be sent to Ross Huntington and Jay Mark Humphrey and that the letter be included in the minutes of this meeting.

(7)

#### TOM GILES - MOUNTAIN FUEL VISIT

Mr. Tom Giles, the District Manager of Mt. Fuel, came before the Commission indicating that he is the District Manager which includes Emery, Carbon, Duchesne and Uintah Counties. His purpose is to meet with the Commissioners and make sure that a good working relationship has been maintained over the years. He noted that they have done work on County road right of ways and have made efforts to restore those to their proper condition. He inquired of the Commission if there were any concerns that they had as to their performance in the past.

Tom Giles, cont. . . .

Commission Chairman Clyde Thompson asked that projects which involve the County

road right of ways that the Commission be made aware of those projects.

Mr. Giles further emphasized that if they have any additional questions or concerns that he can be reached at the Price office of Mt. Fuel and Supply.

The Commission expressed appreciation for his visit and the information left at this time.

(8)

ED GODDARD - SINBAD AMATEUR RADIO CLUB - CIVIL DEFENSE

Mr. Ed Goddard together with Jim Anderson, Larry Arnold, Allen Orton, Sam Isuzu and Jim Weston came before the Commission on behalf of the Sinbad Amateur Radio Club. Mr. Goddard, speaking on behalf of the group, told how their group has functioned in times of emergency. He also presented a list of equipment suggested by the Federal Disaster agency which should be installed in the Emery County Sheriff's Department to further communications during disaster times. He pointed out that said equipment does not rely on the correct alignment of microwave antennas as used with present emergency transmission equipment.

Emery County Sheriff, Lamar Guymon and Communications Technician, Bret Mills voiced support of the program. The cost for the equipment as suggested was \$3,634.55. The County share would be \$1,518.00. A grant would be given to match that for the balance. It was the consensus of the Commission that Commissioner Duane Collard meet further with the group as well as Sheriff Guymon and Bret Mills to determine if monies can be found for the purchase. If it is determined that it is in the best interest of the County, then they would possibly proceed with the approval and purchase of the equipment.

(9)

ADJOURNMENT FOR LUNCH

Motion was made by Commission Chairman Clyde Thompson to adjourn for lunch at 11:50 a.m. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1:30 p.m. with all members present.

(10)

EMERY COUNTY FARMERS UNION TELEPHONE - E-911 SERVICE

Mr. Keith Ware, of the Emery County Farmers Union Telephone, came before the Commission in a follow-up on the E-911 emergency phone service. Mr. Ware questioned whether the Commission is ready to proceed with the upgrade to the E-911 system. He noted that they are presently in the process of ordering the 911 service. He indicated that if the Commission is anticipating putting in

Emery County Telephone, cont. . . .

the E-911 service, that they would like to have that upgrade put into the new equipment being purchased at the present time.

Further discussed was the problems in trying to get phone service upgraded in Huntington and Green River. The Commission previously adopted the .50 cent surcharge to begin collecting from phone users for upgrading the County equipment. Mr. Ware questioned the Commission as to how soon they want to prepare for the E-911 service.

Mr. Paul Crawford, Board Member of the Telephone Association, urged the Commission to go forward with the E-911 service. He noted that it would put Huntington in a better position to upgrade.

It was the consensus of the Commission that they would like to upgrade and go with the E-911 service. However, there was some concern as to justifying those costs when it would not benefit the entire County. Therefore, the Commission requested more time in order to come to a determination. Mr. Ware asked that he be informed prior to their next meeting with the Telephone Board.

(11)

#### BRYANT ANDERSON - ECONOMIC DEVELOPMENT - OUT-OF-STATE TRAVEL

Commissioner Jerry Mangum discussed with the Commission a request of Bryant Anderson for out of state travel to attend a meeting in San Francisco. After discussion, motion was by Commissioner Jerry Mangum to approve the out of state travel for Bryant Anderson and the cost as outlined by him of approximately \$800 to the County. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(12)

#### HUNTINGTON CANYON SNOWMOBILE PARKING FACILITY

Commissioner Duane Collard reviewed the present status of the efforts being made in obtaining a parking and turn-around location in the Huntington Canyon area for winter snowmobiling. He noted that money has accumulated from a Four Seasons resort project which involves Sanpete County and Emery County as well as some communities and state funding. There is approximately \$4,400, including interest, in that fund and he is working closely with the other individuals to see if those monies can be used for this project. If the money is available, Nielsen construction is working in the area and might be able to do the work while they are there and it would be sufficient to cover the cost.

The Commission inquired of Road Superintendent Rex Funk as to the possibilities of locating a similar facility at the South end of the trail. Mr. Funk responded that the problems seem to be in getting clear rights-of-way and ownership of the road by the County from the Forest Service.

(13)

#### ROAD DEPARTMENT BUSINESS

Emery County Road Superintendent Rex Funk briefly discussed with the Commission the repair bids on a FD-20 dozer. He indicated that he has received bids for those repairs from Industrial Parts Depot in the amount of \$9,894.08, Utah Track and Welding in the amount of \$14,157.36 and Wheeler Machinery in the amount of \$17,516.84. He further noted that these were the only bids received. However, he questioned the bid received from Industrial Parts Depot in that he has not had any experience with them. Therefore, his recommendation was to go with Wheeler Machinery in that the parts supplied by Wheeler Machinery Company would extend the life from the typical 3500 hours of use to approximately 8000 hours of use. Therefore, the increased wear would justify the higher bid. Therefore, he has proceeded on that basis and wished to make the Commission aware of it at this time.

(14)

#### RESOLUTION 9-20-89 - AMENDING THE OFFICIAL ZONE MAP AND A CONDITIONAL USE PERMIT FOR A COAL PREPARATION FACILITY AND ASH STORAGE AREA

Deputy Attorney, Stephen Killpack presented to the Commission for their consideration Resolution 9-20-89 which amends the Official Zone Map and approves a large-scale industrial project for Utah Power and Light. The project consists of a coal washing and blending facility to be located near the Hunter Power Plant with a conditional use based on the following compliances: proper dust control measures, water rights, reclamation, proper permitting and rights of first refusal for the refuse material for Emery County. The Resolution further outlines those costs and fees involved to be paid by Utah Power and Light.

Whereupon, motion was made by Commissioner Duane Collard to approve Resolution 9-20-89 as presented and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(15)

#### MALONE JEWKES - PROPERTY SALE



Commissioner Jerry Mangum informed the Commission of his work in regards to properties owned by Malone Jewkes. Mr. Jewkes, in a previous Commission meeting, had requested purchasing properties that he had allowed to become delinquent some years ago and are, therefore, under the ownership of Emery County. It is now Commissioner Mangum's recommendation that these properties be sold at a cost of \$500. This is a fair and reasonable amount as determined by the Emery County Assessor James Fauver.

Malone Jewkes, cont. . . .

Whereupon, motion was made by Commissioner Jerry Mangum to approve the sale of the properties to the individuals interest in purchasing the property from Mr. Jewkes prior his recent death. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

(16)

MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Jerry Mangum at 2:30 p.m., seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin10-4-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

October 4, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the September 20, 1989, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to accept the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented Warrant Edit List #893128 through and including #893309 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented to the Commission for consideration:

Req. #	Item and Description	Amount	Action
51	Danish Harrow - Highway	1,395.00	Approved

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to accept the requisition for purchase. Motion was approved by all members present.

(3)

#### PERSONNEL ITEMS

Emery County Treasurer, Elaine Wilson, requested authorization of the Commission to begin the recruitment process and hiring of two seasonal employees if needed in the Treasurer's office to help get the tax notices ready. She noted that the individuals would possibly be needed in the last part of October and the first part of November.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the hiring of additional seasonal temporary help in the Treasurer's office as requested at the same rate of pay as in the past. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(4)

#### RESOLUTION 10-4-89A - EMPLOYEE BENEFITS

Emery County Deputy Auditor Lorna Davis presented to the Commission for their consideration Resolution 10-4-89A. This Resolution amends the Emery County Personnel Policy to provide for on-going County benefits to employees that are injured in the course of their employment and qualify for "industrial injury" under the guidelines of the Utah Local Governments Insurance Trust. Such benefits will include health insurance, accidental death and disability insurance and the accrual of sick leave and annual vacation days. Motion was made by Commission Duane Collard to accept and adopt Resolution 10-4-89A as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(5)

#### UTAH DEMOCRATIC FORUM - REPORT

Commissioner Duane Collard reported on the Utah Democratic Forum in which Wayne Owens was the featured speaker. Commissioner Collard indicated that Mr. Owens addressed the Wilderness issue and presented the same inaccurate figures and representation to those in attendance. Mr. Collard expressed appreciation to the individuals from the surrounding counties who, together with himself, challenged Mr. Owens as to the correctness of the information he had presented as to the benefits of wilderness in the proposed wilderness study area. He further indicated that Mr. Owens has indicated that he doesn't think he has enough support to pass legislation at this time on the wilderness bill and, therefore, will back off for this year.

(6)

#### PUBLIC HEARING- USE OF COUNTY VEHICLES AND Commission CHAIRMAN SALARY INCREASE

Commission Chairman Clyde Thompson opened the meeting to a Public Hearing at 11:00 a.m. for public input on the consideration of allowing elected officials the use of County vehicles, particularly Commissioners, and a 10% salary increase for the Commission Chairman.

Public Hearing, cont. . . .

Those present at this time were County Treasurer, Elaine Wilson; Economic Development/Planning and Zoning Director, Bryant Anderson; County Sheriff, Lamar Guymon; County Attorney, Scott Johansen; County Assessor, James Fauver; Road Superintendent, Rex Funk; Virginia Snow of Ferron; Ray Wareham representing Ferron City Council; Susan Labbee; Mrs. Don Mohrland of Ferron; and Mrs. Ray Peterson.

Virginia Snow of Ferron, addressed the Commission as to why the Chairman of the Commission should get an increase and as to what amount that would be.

Commissioner Duane Collard pointed out that the increase would be approximately \$1,500 plus benefits annually. He indicated that in the past, particularly in reference to Commission Chairman Clyde Thompson, he has put in approximately 50 hours per week. He pointed out that Commission Chairman Thompson had not requested the increase in salary, but in light of the additional hours required for the Commission Chairman and the additional duties, that there is a need for additional compensation.

As to the use of the vehicles by the other Commissioners, Commissioner Collard indicated this would be a savings to the County in the long run. He noted that the one he is presently using is a 1982 Chevrolet with over 100,000 miles on it. Whereas, if he was using his own vehicle, he would receive in reimbursement at the rate of .21 cents per mile. He noted that in his vehicle, it is putting increased mileage and wear on his personal vehicle and therefore, he cannot operate it at that rate. He further indicated that these vehicles are those which have been forfeited to the County through drug seizures.

Ray Wareham of Ferron, speaking on behalf of the Ferron City Council, noted that he is not opposed to an increase as long as it is kept in perspective. He further indicated that those individuals serving in public office should be compensated enough to be away from their personal business.

County Attorney, Scott Johansen pointed out that the tax payers need to decide what they want the Commission to do and be involved in and pay accordingly. He noted that the County cannot be run strictly from Castle Dale, that it requires numerous meetings and follow-up to programs to assure that Emery County gets its fair share of State monies. Pointed out was the mineral lease money and the efforts made there by Commission Chairman Clyde Thompson.

Commission Chairman Clyde Thompson inquired if there were any other comments from the public. There being none, he closed the Public Hearing and re-opened the regular Commission Meeting at 11:48 p.m.

(7)

#### ROAD DEPARTMENT BUSINESS

A) Buffalo Hollow Bridge and Castle Dale South Spur Projects - Road Superintendent Rex Funk together with Craig Johansen of Johansen and Tuttle Engineering presented to the Commission two projects being considered as a result of flood damage. One being the Buffalo Hollow bridge replacement and the other being the Castle Dale South Spur dip project. It was noted that they have had the site showing and bid opening on the Buffalo Hollow bridge replacement. They received two bids: Nielson Construction in the amount of \$19,305 and Sinbad Construction in the amount of \$16,395. It was therefore, their recommendation that they accept the bid of Sinbad Construction Company.

Whereupon, motion was made by Commissioner Jerry Mangum to approve and award the bid to Sinbad Construction on the Buffalo Hollow Bridge replacement in the amount of \$16,395. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Also presented to the Commission for their consideration was the notice of award to Nielsen Construction on the Castle Dale South Spur dip project. Mr. Funk indicated that the contractors contacted were Minchey Construction, G & O Construction, Inc., out of Green River and Sinbad Construction. However, Nielsen was the only company to submit a bid. Therefore, it was his recommendation that notice of award be signed and presented to Nielsen Construction for that project.

Whereupon, motion was made by Commissioner Jerry Mangum to accept the bid of Nielsen Construction in the amount of \$25,167, for work on the Castle Dale South Spur Dip project. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Bulk Oil Purchases- Bid - Mr. Funk reviewed with the Commission the quotes received from distributors in the area as to bulk purchase of oils. Quotes have been received as follows:

Item	Pennzoil	Christensen	Pierce	Rhinehart
Bulk Universal				
Torque/Tractor Fluid	2.65 gal	2.56 gal	2.65 gal	2.26 gal
Bulk Engine Oil Stock	2.59 gal	2.47 gal	2.39 gal	2.16 gal
Engine Oils	3.16 gal	2.47 gal	2.39 gal	2.51 gal
Gear Lube	.61 pd	3.13 gal	3.15 gal	2.72 gal
Universal	3.20 gal	2.07 gal	2.65 gal	2.61 gal
Dexron II-Mercon	3.06 gal	2.67 gal	2.59 gal	2.58 gal
Anti Freeze	6.69 gal	5.99 gal	5.89 gal	6.10 gal
(Castle Valley Co-Op declined to quote.)				

Road Department Business, cont. . . .

Mr. Funk pointed out that Rinehart appeared to be the overall low bidder and it was his recommendation that he be authorized to proceed with purchases from Rinehart on a two-year schedule. The first year being at no increase from those prices submitted and at the conclusion of the first year, a review be set up to consider any price adjustments needed by the supplier.

Whereupon, motion was made by Commissioner Jerry Mangum to authorize Road Superintendent Rex Funk to enter into an agreement with Rinehart for the

purchase of bulk oils, as submitted in their quote, for a period not to exceed two years and that a review be made at the conclusion of the first year for consideration of any price adjustment. Motion was seconded by Commissioner Duane Collard and approved by all members present.

C) Morris Sorensen - EMT Training - Mr. Funk requested permission and approval of the Commission to authorize Morris Sorensen of the Emery County Road Department to attend EMT certification school in Salt Lake City for three days. The cost is \$100 plus expenses. It was the consensus of the Commission that no official action was necessary by the Commission since this is part of the Road Department program similar to the Sheriff's department. Commissioner Collard pointed out that the Road and Sheriff departments pay for those expenses and that other EMT's in the past have not been reimbursed. Possible future consideration should be given to budgeting monies for the EMT training.

(8)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard at 12:03 p.m. Motion was approved by all members present.

The meeting reconvened at 1:10 p.m. with all members present.

(9)

#### RESOLUTION 10-4-89B - USE OF COUNTY VEHICLES BY THE COMMISSION - COMMISSION CHAIRMAN SALARY INCREASE

Presented to the Commission for their consideration was Resolution 10-4-89B. The Resolution authorizes the use of County vehicles by an Elected Official and provides that the Commission Chairman receive a 10% salary increase. A Public Hearing having been held, motion was made by Commissioner Jerry Mangum to accept and adopt Resolution 10-4-89B as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(10)

#### SHERIFF'S BUSINESS

Emery County Sheriff Lamar Guymon advised the Commission of the need to recertify the Drug Enforcement Dog, noting that a two week refresher course is offered at the training center at a cost of \$32.00 per day for rooming plus transportation expenses. Also discussed by the Commission was the need to keep the animal certified. Whereupon, motion was made by Commissioner Duane Collard

to approve the out of state travel for Martin Wilson and to take the Drug Enforcement Dog for a two week refresher course. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(11)

SEAUOG AREA AGENCY OF AGING - RSVP AGREEMENT SIGNATURE

Presented to the Commission was the Southeastern Utah Association of Governments Area Agency on Aging Agreement with the RSVP program for application for grant monies. Whereupon, motion was made by Commissioner Duane Collard to approve the agreement and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Jerry Mangum and approved by all member present.

(12)

MEETING ADJOURNMENT

Motion to the adjourn the meeting at 1:30 p.m. was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard. Motion was approved by all members present.

ATTEST

CHAIRMAN

ComMin10-18-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

October 18, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the October 4, 1989, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the minutes as corrected. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List # through and including # for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
52	Truck Bed - Road	775.00	Approved
53	Hard Disk Drive - Extension	316.00	Approved
54	Two GE Pack Sets - Sheriff	2000.00	Approved
55	Two KR-10 Radar Guns - Sheriff	2550.00	Approved

Motion was made by Commissioner Duane Collard to approve all requisitions for payment. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(3)

#### NURSING HOME BUSINESS

A) Line of Credit - Emery County Nursing Home Administrator John Bramal requested authorization from the Emery County Commission to establish a line of credit with Zions First National Bank for operation of the Nursing Home. The purpose of the credit would be to enable the Nursing Home to maintain its cash flow while waiting for reimbursement from governmental agents. This has been



reviewed by the Nursing Home Board and County Attorney Scott Johansen. Mr. Johansen pointed out that the only alternative to this would be for the County to provide the funds necessary at those times. After further discussion, it was the consensus of the Commission that establishing a line of credit at the bank would be much more convenient. It was further noted that it would need to be used only approximately once or twice a year.

Whereupon, motion was made by Commissioner Jerry Mangum to authorize John Bramal to establish a credit line for the nursing home in the amount of approximately \$20,000. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

B) Use of County Vehicle - Motion was made by Commissioner Jerry Mangum to transfer to the Nursing Home a 1979 Mercury station wagon which was recently forfeited to Emery County. The vehicle was impounded by the Emery County Sheriff's Department. The station wagon is to be used at the Nursing Home to transport patients. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(4)

#### SHERIFF'S DEPARTMENT BUSINESS

A) Cable Television - Emery County Sheriff Lamar Guymon informed the Commission that presently the dispatchers are paying the \$18.00 monthly charge for the HBO and Cinemax channels. These are in addition to the standard cable television channels which are furnished at no cost. Sheriff Guymon pointed out that they periodically video tape certain episodes of various programs for training purposes. He inquired of the Commission if the County would pay those costs. Commissioner Duane Collard pointed out that the dispatchers are on County time and feels that a television is not beneficial in performing their duties. No action was taken by the Commission.

B) David Fillmore - Accumulated Sick Leave - Commissioner Duane Collard pointed out that David Fillmore of the Sheriff's Office has accumulated approximately 1300 to 1400 hours of sick leave. In accordance with the County policy, they can accumulate only up to 960 hours. Therefore, this amount has been corrected on the books. He would like permission from the Commission to purchase a gift to show the County's appreciation for service to the County in his non-use of sick leave days. He would then present gift (not to exceed \$50 in value) to him in a Sheriff's Department meeting. It was the consensus of the Commission that Commissioner Collard proceed as requested.

(5)

#### MUSEUM BOARD - STAMP MACHINE USE

Emery County Treasurer Elaine Wilson informed the Commission that Sharon Baker has mailed out material for the Emery County Museum indicating that she had been told that the Commission had authorized the use of the machine for such purposes. The Commissioners present indicated that they were not aware of any authorization given and suggested that the Museum Board be billed for those stamps used and reimburse the County in that amount.

(6)

#### PERSONNEL ITEMS

Emery County Auditor Karen Truman presented to the Commission the following personnel actions for their consideration:

A) Linda Baker - Extension Office - Presented was a request from Linda Baker, the Extension Office Secretary, for a merit increase. Commissioner Mangum informed the Commission that he has met with Dennis Worwood of the Extension Service who indicated that the position as well as other County Positions, are to be evaluated first. Therefore, it was the consensus of the Commission that no action be taken at this time.

B) Commission Chairman Pay Adjustment - Presented for signature was the Personnel Action Form for Commission Chairman Clyde Thompson who is to receive a 10% salary increase as Commission Chairman. This was approved in the Commission Meeting of October 4, 1989. Therefore, this only requires signature of the Commission at this time.

C) Leslie Bolinder - Leslie Bolinder is to be moved to exempt status. It was pointed out that she does additional duties for the Emery County Special Service District No. 1 in order to comply with the Fair Labor Standards Act, she would have to be moved to a Grade 6 for exempt status. The result change overall would be from a Grade 5, Step 2, to a Grade 6, Step 2, with the addition that she now be exempt from accumulating any comp or over time. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the reclassification of Leslie Bolinder to exempt status on a Grade 6, Step 2 of the salary plan or \$1,285.00 per month, pointing out that with this she is assuming additional duties and responsibilities. Motion was seconded by Commissioner Duane Collard and approved by all members present. Effective date is 10-16-89.

D) David Wilson - Auditor's/Computer Office Hours - Emery County Auditor Karen Truman requested Commission approval to use David Wilson 3/4 time in the Auditor's office and 1/4 time in Data Processing. She has reviewed this with Data Processing Coordinator Alice Ann Snyder and Commissioner Duane Collard. Both are in agreement with this. It was pointed out that David will remain on call at all times while working in the Auditor's office if there is a need for assistance in Data Processing. Further pointed out was that his salary will

remain being paid 1/2 out of each department. Whereupon, motion was made by

David Wilson, cont. . . .

Commissioner Duane Collard to approve the request of Auditor Karen Truman as presented for David Wilson. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

MEETING CANCELLATION - NOVEMBER 1, 1989, MEETING

Motion was made by Commissioner Jerry Mangum to cancel the regular Commission meeting scheduled for November 1, 1989, due to an elected officials meeting with the Utah Association of Counties in St. George, Utah, on that date. Therefore, that meeting needs to be cancelled. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(7)

GREEN RIVER CABLE TELEVISION FRANCHISE TRANSFER

Presented to the Commission was Resolution 10-18-89A which assigns the franchise rights from Citation Cable Television Systems to Falcon Telecable, a California Limited Partnership, for cable television service out of Green River. Whereupon, motion was made by Commissioner Duane Collard to authorize the transfer and approve Resolution 10-18-89A as presented upon the recommendation of County Attorney Scott Johansen, provided that Citation Cable Systems provides proof to Emery County of franchise payments. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(8)

EMERY COUNTY LANDFILL - RONALD BARNEY AND GORDON EWELL, MANAGERS

Mr. Ron Barney, Manager and Operator of the Emery County Landfill, together with Gordon Ewell, addressed the Commission with concerns in operating the County landfill. Their purpose was to make the Commission aware of the concerns as owners of the landfill.

Mr. Gordon Ewell reviewed with the Commission the administrative rules governing the solid and hazardous waste disposal sites. He noted that these rules were approved June 2, 1989, and were to have taken effect July 31, 1989. Those areas giving them the greatest concerns were: 1) that at least six inches of earth or other material must be placed over the waste materials each operating day, 2) that two feet of earth shall be placed over any completed segment of the facility, 3) that final grading shall provide for surface drainage and 4)

that qualified personnel are to be at the facility to supervise activities during the hours of operation. Mr. Ewell pointed out that he and Mr. Barney have both completed the schooling as required in #4. He also pointed out that litter and dust at the facility, including access roads, are to be controlled, that records must be kept as to the types and amount of solid waste accepted, together with rodent and insect control.

Landfill, cont. . . .

Mr. Barney and Mr. Ewell pointed out that present funds are insufficient to maintain the landfill under these requirements, noting that the old pits do not conform. He further anticipated that in approximately two years additional rules and regulations will be implemented which are probably more stringent than those reviewed at this time. Mr. Barney indicated that they are currently without a contract with the County and it was his suggestion that a new agreement should better define their role as managers of the landfill and possibly relieve the County of further liabilities. Mr. Barney pointed out that he wanted to work with the County to make it a better landfill.

Commission Chairman Clyde Thompson informed those present that the Commission was aware of the need to make improvements. Although, they have not discussed it as a Commission. Mr. Barney indicated that the ten acres east of the current landfill would have an expected life of ten to twelve years if properly managed.

After further discussion, it was the consensus of the Commission that they meet further as a Commission and get back to Mr. Barney.

(9)

#### ROAD DEPARTMENT BUSINESS

A) Western Auction Sales Receipt - Presented to the Commission by Road Superintendent Rex Funk was a Cashier's Check in the amount of \$27,943.75 which is Emery County's portion on items sold by Western Auction Company in the sale of surplus equipment from Emery County. He noted that the total sale amounted to \$32,875.00, less the 15% commission of \$4,931.25. Therefore, it was the consensus of the Commission that this be deposited in the Emery County General Fund as required by County Ordinance.

B) Low Boy Trailer Purchase - Mr. Funk further reviewed with the Commission the need to purchase a low boy trailer, noting that the present trailer is fatiguing and has been welded numerous times. After further discussion, motion was made by Commissioner Jerry Mangum to authorize Road Superintendent Rex Funk to proceed with the solicitation of bids, and purchase upon his review, of a low boy trailer to be purchased out of Class B road funds. Motion

was seconded by Commissioner Duane Collard and approved by all members present.

C) Re-Bid of Bulk Oil Purchases - Mr. Funk further requested permission of the Commission to re-bid the bulk oil purchases in light of the fact that he would like to go on a prolonged interval oil change program. Wherein, the oils as specified and bid would not withstand those extended time periods of use and it was therefore, his request that different oil specifications be submitted for bidding at this time. It was the consensus of the Commission that Mr. Funk proceed as requested and re-solicit bids for oil products that would hold up under the prolonged oil change intervals.

Road Department Business, cont. . . .

D) Encroachment Permits - Mr. Funk further pointed out to the Commission the need to require blanket encroachment permits from local haulers. The Commission discussed excessive wear on County roads by trucking firms. Mr. Funk will review the current process and come back to the Commission with further recommendation.

(10)

ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:15 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:42 p.m. with all members present.

(11)

EMERY COUNTY PROGRESS - ENERGY EDITION - ADVERTISEMENT INQUIRY

Commission Chairman Clyde Thompson informed the Commission that he has received an inquiry from the Emery County Progress as to whether the Emery County Commission would like to purchase an advertisement in their Energy Edition. He indicated that one-fifth of a page is approximately \$107.00. It was the consensus of the Commission that they were not aware that the County has purchased ads in the past, therefore, declined at this time.

(12)

ECONOMIC DEVELOPMENT - GRANT REQUEST - COMMISSION LETTER

Emery County Commission Chairman Clyde Thompson requested approval of the Commission to write a letter to William Roberts in procuring a grant for

Economic Development. Whereupon, motion was made by Commissioner Jerry Mangum to approve and authorize a letter requesting grant monies for economic development. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(13)

#### BUSINESS LICENSES

Emery County Zoning Administrator Bryant Anderson presented the following business licenses for Commission consideration:

A) Todd and Brenda Jensen - B & J Cowboy Supplies - Presented was the application for Todd and Brenda Jensen of Cleveland, Utah, for the business known as B & J Cowboy Supplies. The business will be an in-home business occupation. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the business license of Todd and Brenda Jensen as presented. Motion was approved by all members present.

Business Licenses, cont. . . .

B) Wade and Cassie Jensen - Castle Valley Crafts - Presented was the application of Wade and Cassie Jensen of Cleveland, Utah, for the business known as Castle Valley Crafts. They will be selling wool products and supplies. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the business licence of Wade and Cassie Jensen as presented. Motion was approved by all members present.

(14)

#### OTHER BUSINESS

Commissioner Duane Collard reviewed with the Commission his meeting with the Utah Department of Transportation regarding the Huntington City bridge replacement on about 400 East and 500 North. He noted that this meeting included Jones and Demille Engineering. He further discussed the Joe's Valley Road, with the engineering firm who indicated that the Federal Government has approved the road width, even though Emery County was not opposed to a narrower road. Narrowing the road would have jeopardized receipt of funds. Concern was expressed by the Commission as to additional costs to the County, but they expressed the importance of proceeding with the program.

Commissioner Collard further pointed out that he has obtained from the BLM office the impact studies for the seismographic work to be done in Desolation Canyon. This is in a wilderness study area. He noted that the BLM has given approved because of no significant impact in the area. It was the consensus

and recommendation of Commissioner Collard that he write a letter concurring that there is no significant impact of the seismic work in Desolation Canyon area.

(12)

## MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:26 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin11-15-89

## MINUTES OF THE REGULAR MEETING

### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

### HELD IN THE EMERY COUNTY COURTHOUSE

November 15, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the agenda was made.

(1)

## COMMISSIONERS MINUTES

The minutes of the October 18, 1989, Commission meeting were reviewed. Motion was made by Commissioner Duane Collard to approve the minutes upon insertion of the Warrant Edit List numbers. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)

## MILLSITE GOLF COURSE - CLASS A ALCOHOLIC LICENSE

Emery County Clerk, Bruce Funk, presented to the Commission the application from Millsite Golf Course for a Class A Alcoholic Beverage License. He indicated that it has been signed by Emery County Sheriff, Lamar Guymon, and also by the Southeastern Utah Health District and is being presented to the Commission for consideration and approval at this time. After discussion, motion was made by Commissioner Duane Collard to approve the application with the recommendation that by letter, the owner of the Millsite Golf Course be advised that the Commission recommends that they do not sell alcoholic beverages in bottles. Motion was seconded by Commission Chairman Clyde Thompson. Commissioner Jerry Mangum abstained. Whereupon, motion passed.

(3)  
COURT FAX MACHINE RATES

Emery County Clerk, Bruce Funk inquired of the Commission as to what restrictions should be placed upon the use of the FAX machine in the County Clerk's office and what fees should be charged for the service. A motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum that the FAX machine should remain available for use by the general public during regular business hours for a fee that is consistent with rates charged by commercial business establishments who offer similar FAX machine services in FAX Machine, cont. . . .

the Castle Dale area. The motion emphasized that FAX machine services offered by the County to the public should be structured, insofar as reasonably possible, not to unfairly compete with local businesses. No specific dollar amounts were set by the Commission as rates to be charged for the use of the FAX machine. However, the indication from the Commission in its discussion on the motion was that the rates presently charged by the County for the FAX machine services may be too low in comparison with commercial rates currently charged by local business ventures. Commission Chairman Clyde Thompson opposed said motion. Whereupon, motion passed.

(4)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #893723 through and including #893839 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:



Req. #	Item and Description	Amount	Action
58	MITA copy machine - Assessor, Auditor, Reappraisal	7,144.00	Approved
59	Computer Desk - Assessor, Auditor, Reappraisal	167.12	Approved
60	Two file cabinets - Assessor	784.00	Approved
61	Repair work - Weed & Mosquito	1,769.15	Approved
62	Radar guns - Special Counsel	4,000.00	Approved
63	Lowboy Trailer* - Highway	56,365.50	Approved

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane

Collard to approve all requisitions for payment. Motion was approved by all members present. (\*Bids received were as follows: Construction Equipment - \$54,745.00; Arnold Machinery - \$56,365.50; Tesco Williamsen - \$59,941.00; Scott Machinery - \$62,574.00; and ICM Equipment - \$62,880.00. Whereupon, Arnold Machinery was awarded the bid because the Trail King unit is superior in simplicity of design, rugged construction and excellent warranty.)

(5)

#### PERSONNEL ITEMS

Personnel Director, Karen Truman, presented the following personnel items to the Commission for consideration:

A) Official Employee Evaluation Forms - Reviewed with the Commission were several forms for use in evaluating employee performance, etc. After review and discussion by the Commission, it was the consensus of the Commission that a meeting be set up with the department heads to review the forms with an explanation as to how they should be used. After that time they will be given consideration for final adoption by the Commission.

B) Resolution 11-15-89A - Adding a New Class Specification to the Road

Department - General Foreman - Presented to the Commission for their consideration was Resolution 11-15-89A which amends the Emery County Personnel Policy by adding to that policy the new class specification of a General Foreman in the Road Department to be designated at a Grade 15. Also attached was the new class specifications and description as an exhibit A, noting that this class specification existed previously in the policy and had been deleted. Whereupon, motion was made by Commissioner Jerry Mangum to approve Resolution 11-15-89A as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

C) Michael Jensen - Reclassification - Presented to the Commission was the Personnel Action Form for Michael Jensen of the Road Department to be reclassified from that of a Crew Leader at a Grade 13, Step 7, to that of a General Foreman at a Grade 15, Step 6. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Michael Jensen as presented. Motion was approved by all members present. Effective date is November 16, 1989.

D) Teresa Manzanares - Pay Adjustment - Presented to the Commission was the Personnel Action Form for Teresa Manzanares of the Attorney's Office. Wherein, County Attorney, Scott Johansen was requesting a pay adjustment. At present, she is at a Grade 7, Step 5, working 30 hours per week. It was his recommendation that she be moved to a Grade 7, Step 6. A hold was placed on this matter until the Commission can review it further with Mr. Johansen.

Later in the meeting, Mr. Johansen advised the Commission as to Teresa Manzanares' employment record, pointing out that it was his understanding that after working the six month probationary period, that she was entitled to a pay increase. He indicated that he had overlooked that matter. Whereupon, after review by the Commission, Commissioner Duane Collard pointed out that Mrs. Manzanares was not at the entry level and that no action would be taken at this time by the Commission.

Personnel Items, cont. . . .

E) David Wilson - Six Month Probationary Increase - Presented to the Commission was the Personnel Action Form for David Wilson who works one-half time in the Auditor's Office and one-half time in Data Processing. She noted that she is making a recommendation to the Commission, as allowed for in the policy, that he receive a two-step increase for outstanding performance in his duties in the Auditor's office. She further presented to the Commission a recommendation from Alice Ann Snyder of the Data Processing Department who recommended a one-step increase for that portion of his time that is involved in Data Processing. Whereupon, after discussion, motion was made by Commissioner Duane

Collard to allow a two-step increase in David Wilson's salary as requested by the Auditor's office for that portion of his time spent in the Auditor's office and a one-step increase in Data Processing. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present. Effective date is November 16, 1989.

F) Cheryl Keener - Deputy Assessor - Green River - Presented to the Commission was the Personnel Action form for Cheryl Keener having completed her six month probationary period. Emery County Assessor, Jim Fauver has recommended that she receive an increase from a Grade 5, Step 1, to a Grade 5, Step 2, effective November 16, 1989. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for Cheryl Keener as presented. Motion was approved by all members present.

G) Sylvia Nelson - Treasurer's Office - Presented to the Commission was the Personnel Action Form for Sylvia Nelson of the Treasurer's Office. She has completed her six-month probationary period. Treasurer, Elaine Wilson recommended that she be moved from the hourly wage of \$6.08 per hour to \$7.10 per hour which is approximately equivalent to a 3% increase. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Sylvia Nelson as presented. Motion was approved by all members present. Effective date is November 16, 1989.

H) Joann Taylor - Treasurer's Office - Presented to the Commission was the Personnel Action Form for Joann Taylor of the Treasurer's Office. She has completed her six-month probationary period. Treasurer, Elaine Wilson recommended that she be moved from a Grade 6, Step 1 to a Grade 6, Step 2. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Joann Taylor as presented. Motion was approved by all members present. Effective date is November 16, 1989.

I) Employee's Representatives - Karen Peacock and Jan Peterson - Karen Peacock and Jan Peterson, representing the County employees, came before the Commission to express concern as to a portion of the Personnel Policy which speaks of exempt employees. As read, an exempt employee could possibly be terminated at any time with or without cause.

Personnel Items, cont. . . .

Emery County Auditor, Karen Truman, together with the Commission reviewed, the policy and clarified it to those persons who are exempt from the Personnel Policy and that a clarification would be prepared for later in the meeting for Commission adoption. (This was later adopted as Resolution 11-15-89C.)

They also inquired of the Commission as to whether a raise was mandatory after probation and how it was determined who would receive them. Concern was also expressed that if a department head does not make a recommendation for an evaluation, what procedures must be followed in order to get fair treatment of that employee. They also inquired whether the wage freeze was off. Commissioner Collard responded in that it appears it is evidently off, but that merit raises are not allowed at this time. (From the December 6, 1989, Commission Meeting, Commissioner Collard clarified this in that he was mistaken and that the freeze is still in effect on salary and merit increases. The December 6, 1989, Commission minutes reflect this correction.)

Also discussed was the possibility of offering an exercise class for employees within the courthouse. They indicated that it would improve the health and morale of the employees. It was the consensus of the Commission that they make a further recommendation back to the Commission in regards to this matter. Concerned was further expressed to the Commission on the confidentiality of insurance and health records. It was pointed out that those matters had been resolved and that the County does need access in determining what preventive measures need to be taken within the County. Also questioned was whether other benefits would be optional on the insurance program.

After discussion, the Commission expressed appreciation for the employees in keeping the communication line open with them.

(6)

#### ED STORY - STATE LANDS AND FORESTRY - BUDGET REQUEST

Mr. Ed Story, of the State Lands and Forestry, came before the Commission to discuss the County wildlands fire budget. He pointed out that increases are due to the fire warden being paid entirely by Emery County. Therefore, salaries which Emery County has budgeted would have to be increased from \$900 to \$2000. Other budget items were reviewed with the Commission. Mr. Story informed the Commission that they should be involved in the approval of purchasing of equipment. He further pointed out that lights and siren are not a necessary requirement for the vehicles. However, if they were put on, they would have to receive a designation by the Sheriff and the Commission that it be used as an emergency vehicle.

The Commission informed Mr. Story that the budget request would be discussed further at budget time and that a copy be given to the Emery County Auditor, Karen Truman. Mr. Story requested that upon final approval of the budget, that three copies need to be signed and forwarded to his office.

(7)

ADJOURN FOR LUNCH

Motion to adjourn for lunch at 11:58 a.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1:13 p.m. with all members present.

(8)

QUITCLAIM DEED - MALONE JEWKES PROPERTY - GERALD B. POWELL

Emery County Clerk, Bruce Funk presented to the Commission for their consideration a Quit Claim Deed submitted to his office in a by memorandum by Steven Killpack on October 25, 1989. He noted that this is one of the additional properties of Malone Jewkes. He indicated that Gerald B. Powell of Oran-geville, Utah, has presented a check for \$500 for the property, Emery County property Serial No. XI-241A-0006, of the official plat of Emery County. Whereupon, motion was made by Commissioner Jerry Mangum to approve the sale of the property as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(9)

WILDERNESS CONFERENCE

Commissioner Jerry Mangum informed the Commission that a Wilderness Conference will be held in Salt Lake City in the Spring of 1990. He has received an inquiry as to whether Emery County would be a co-sponsor and pointed out that no money would be required, but simply an endorsement by the Commission. He indicated that educational literature is available for \$90.

After discussion, motion was made by Commissioner Duane Collard to approve the purchase of the educational materials and authorize co-sponsorship by Emery County. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(10)

JOHANSEN AND TUTTLE ENGINEERING - ACCEPTANCE OF NEW COUNTY SURVEY PLATS -  
RESOLUTION 11-15-89D

Craig Johansen of Johansen and Tuttle Engineering came before the Commission reviewing with them the plats already re-surveyed by his firm. He inquired as to any direction for next year. There being no decision reached by the Commission as to any exact area, it was the consensus that he proceed at his discretion.

Resolution 11-15-89D, cont. . . .

Emery County Recorder, Ina Lee Magnuson presented Resolution 11-15-89D the Emery County Survey Plats, to the Commission for signature. They were completed by Johansen and Tuttle Engineering. Whereupon, motion was made by Commissioner Jerry Mangum to accept Resolution 11-15-89D and the Plats as completed and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(11)

#### SOUTHEASTERN UTAH HEALTH DISTRICT - INSPECTION FEE AGREEMENT

Emery County Deputy Attorney, Steven Killpack presented to the Commission for their consideration an inspection fee agreement from the Southeastern Utah Health District, asking to review the agreement which allows the Southeastern Utah Health District to assess a fee for inspecting businesses, such as restaurants. Mr. Killpack questioned the Commission, that because there are four counties involved, if all County Attorneys need to approve it as to form.

After further discussion, Commission Chairman Clyde Thompson advised that the Board of the Southeastern Utah Health District would review the document further with possibly a recommendation that no fee be assessed. Commissioner Thompson felt that upon completion of the inspection, that those gradings be posted at the place of business.

(12)

#### TAX ANTICIPATION NOTE

Emery County Attorney, Scott Johansen advised the Commission that he is ready to proceed with a Tax Anticipation Note, if the Commission so desires. He noted that a letter has been prepared to send out soliciting bids with those bids to be received for acceptance at the December 6, 1989, Commission meeting.

Emery County will pay for bond counsel and that those submitting bids would be expected to pay for all other costs.

Whereupon, Mr. Johansen further indicated that he has been in contact with the Emery County Special Service District No. 1 and the Castle Valley Special Service District and they have advised them that they do not intend to borrow or bond. Therefore, Emery County could apply for \$4.8 million in Tax Anticipation Note.

Whereupon, motion was made by Commissioner Duane Collard to authorize County Attorney, Scott Johansen to proceed with the Tax Anticipation Note in the amount of \$4.8 million as discussed. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(13)

#### ATTORNEY'S BUSINESS - FBI PROSECUTOR'S SCHOOL

Emery County Attorney, Scott Johansen informed the Commission that his application has been approved for the FBI Prosecutor's school in Virginia. They have informed him that a slot is available and that if he was interested, they would forward to him an airline ticket. He pointed out that it appears that there will be no cost to the County. He inquired of the Commission as to whether or not they would like him to go to this school and whether they would like him to cancel the previously approved school in Denver.

Whereupon, it was the consensus of the Commission that since there was no cost to the County, that the out-of-state travel did not have to receive Commission approval.

(14)

#### PERSONNEL ITEMS

Emery County Personnel Technician, Karen Truman, presented the following additional Personnel items to the Commission for their consideration.

A) Resolution 11-15-89C - This Resolution makes a clarification as to exempt employees, pointing out that the revised page, which is to be inserted in the Emery County personnel Policy, clarifies that an exempt employee as discussed who can be terminated without cause are those persons who are hired and are exempt from the Personnel Policy, not under the FLSA guidelines.

Whereupon, motion was made by Commissioner Duane Collard to approve and adopt Resolution 11-15-89C as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Vacation Carry-Over - Mrs. Truman informed the Commission that she has received a request from Road Superintendent Rex Funk a request from Allen Almond for an extended vacation time at the first of the year. She pointed out that the current policy does not allow for more than five days of vacation time to be carried over to the next year. The agreement Mr. Funk and Mr. Almond had entered into would advance him vacation days, with him agreeing to pay the County back should he terminate his employment prior to the end of the year.

After further discussion, it was the consensus of the Commission that if in special situations, where pre-arrangements have been made, that the surplus unused vacation days could be carried over into the first quarter and used. This is provided that it is in agreement with the Department Supervisor and a request has been made to the Commission. Whereupon, it was the consensus of the Commission that Allen Almond be allowed to carry over any unused accumulated vacation days into the first quarter of next year.

(14)

CASTLE VALLEY SPECIAL SERVICE DISTRICT NO. 1

Deputy Attorney, Steven Killpack informed the Commission that the final Interlocal Agreement between Emery County and the Castle Valley Special Service District No. 1 has been completed. It is the same as previously presented. He inquired if the Commission would like to authorize Commission signature at this time. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Interlocal Agreement with the Emery County Special Service District No. 1 and Emery County and authorize Commission Chairman signature of the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(15)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:22 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin12-6-89

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 6, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum



and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce C. Funk.

A review of the agenda was made.

(1)

#### TAX ANTICIPATION NOTES - 10:00 A.M. BID OPENING

Commission Chairman Clyde Thompson recognized that this was the hour appointed for the opening of bids on the Tax Anticipation Note in the amount of \$4,800,000. He noted that three bids have been received at this time from Zions Bank, Kirchner Moore & Co., and First Security Bank.

Whereupon, Commission Chairman Clyde Thompson opened the bids and read them aloud in the meeting as follows: Zions First National Bank for \$4.8 million net effective interest rate of 6.49%; Kirchner Moore & Co., for \$4.8 million net effective interest rate of 6.59%; and First Security Bank for \$4.8 million net effective interest rate of 6.23%. Commission Chairman Clyde Thompson acknowledged First Security Bank as the apparent low bidder at an interest rate of 6.23%, noting that at this time no other bids have been received or submitted. Commissioner Thompson advised those present that all documentation would be forwarded to the County Attorney's office for further review and that a Resolution to accept bids would be prepared for later in the meeting this day. He further expressed appreciation for those being in attendance and those who had submitted bids.

(2)

#### COMMISSIONERS MINUTES

The minutes of the November 15, 1989, Commission meeting were reviewed and amended. Commissioner Duane Collard noted that in regards to page five, Personnel Items, through further discussion in the meeting it was determined that the wage freeze on merit increases is in effect and that the minutes should reflect those changes. Whereupon, motion was made by Commissioner Duane Collard to accept the minutes with the correction as discussed. Motion was seconded by Commissioner Jerry Mangum and approved by all members present

(3)

#### UTAH POWER AND LIGHT - PROPERTY TAX PAYMENT - UNDER PROTEST

Gene Hess came before the Commission in regards to Utah Power and Light's

payment of property tax under protest. He noted that if the Commission so desired, Mr. Joe Lyon of UP&L would come down and meet with the Commission to discuss the reasons for UP&L's actions in an informal meeting. He suggested a luncheon meeting on December 11 or 14. Mr. Hess will confirm which date Mr. Lyon will be available.

(4)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #893850 through and including #894079 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
64	Automatic folding machine - Extension Service	480.00	Approved
65	Body guard police vehicle partition - Sheriff	249.00	Approved
66	5.0 WordPerfect Program - Ambulance	233.50	Approved
67	Camera, flash, two lenses - Sheriff	1,234.80	Approved

Motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(5)

#### PERSONNEL ITEMS

Emery County Auditor, Karen Truman, presented the following Personnel items to the Commission:

A) Deborah Hansen - Completion of Temporary Assignment - Presented was the Personnel Action Form for Deborah Hansen who has completed her temporary assignment in the Assessor's office. Whereupon, motion was made by Commissioner Duane Collard to accept the Personnel Action Form of Deborah Hansen,

Personnel Items, cont. . . .

terminating her temporary employment in the Assessor's office. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Sylvia Nelson - Amended Personnel Action Form - Presented was the amended Personnel Action Form for Sylvia Nelson of the Treasurer's office in which the hourly wage was amended from \$6.08 per hour to \$6.30 per hour. It was noted that the original Personnel Action Form was for more than the anticipated 3% increase. It was further noted that Sylvia Nelson has signed the Personnel Action Form and understands the reasons for the change. Motion was made by Commissioner Duane Collard to approve the amended Personnel Action Form for Sylvia Nelson as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

#### SHERIFF'S DEPARTMENT BUSINESS

A) Ambulance - Emery County Sheriff, Lamar Guymon advised the Commission that he has received three bids for an ambulance as follows: Professional Sales and Service - \$57,724.00; Rocky Mountain Ambulance - \$59,734.00; Fire Med - \$54,565.00. Sheriff Guymon pointed out to the Commission that the only ambulance that meets the specifications as requested was the bid submitted from Professional Sales and Service. Therefore, it was his recommendation that he be authorized to proceed with the purchase of an ambulance from Professional Sales and Service. It was further noted that Emery County will receive a grant of \$15,000 from the State of Utah. The balance of the money will come out of this year's and next year's budgets. Sheriff Guymon indicated that two ambulances need to be replaced. These are Huntington's and Castle Dale's ambulances. This ambulance would be used to replace one of those with the other to follow next year. He noted that ambulance collection funds in future years would be able to sustain the purchase of a new ambulance.

Whereupon, motion was made by Commissioner Duane Collard to recognize Professional Sales and Service as the apparent low bidder, meeting the specifications requested, and therefore, approve the purchase of the ambulance from them at a cost of \$57,724.00 as replacement for the Huntington unit. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(7)

#### SAN RAFAEL AND GREEN RIVER SOIL CONSERVATION DISTRICTS - FUNDING REQUEST

Mr. Howard Silliman and Mr. Ron Hager came before the Commission to request funding of the Soil Conservation Districts. They noted that funding, as in past years from the County, has stopped. They further pointed out that Carbon

County contributes approximately \$800 to their Soil Conservation Districts. The Commission advised those present that they were unsure as to what those funds were used for and assumed that they were going to some State agency. Mr.

Conservation Districts, cont. . . .

Silliman pointed out that at the present time they do get some State funds, but it appears that in the upcoming legislature that they could be in jeopardy. After further discussion with Mr. Silliman, it was the consensus of the Commission that they would consider it at budget time.

Mr. Silliman further requested the Commission to support their pursuit of a Hospital Waste Incinerator in the Green River area. He pointed out that it would greatly benefit the area and County by increasing the employment opportunities. He further pointed out that a group from the Moab area is spreading propaganda against the project. He pointed out that it is not in his estimation "any of their business" and expressed further concern as to the State Health Inspector's role in the matter. He noted that waste has to be addressed in the United States and the world.

The Commission expressed appreciation to Mr. Silliman and Mr. Hager in being in attendance and pointed out that they are interested in supporting the community in those areas which would economically benefit them.

(8)

GARY GEORGE - ELGIN ROAD IMPROVEMENTS - GRAND COUNTY

Mr. Gary George came before the Commission representing outfitters who use the Elgin Road on the east side of Green River for rafting and tours. He noted that he represents approximately 20 outfitters and that the problem with the road is maintenance of pot holes and wash board. He indicated to the Commission that commercial outfitters bring in approximately \$1 million to the area, spent both in lodging and gas in the Green River area and that they represent only one-half the use. He recognized that the road is within Grand County. He will be meeting with the Grand County Commission next week about the problems, but they do not have the necessary equipment for regular maintenance. Whereas, it appeared that Emery County had two graders in Green River. He further reviewed with the Commission those areas which needed the greatest improvement.

The Commission suggested that Mr. George meet with the Grand County Commission since it is in their County. Emery County could not make any improvements there without some type of agreement. Wherein, Road Superintendent Rex Funk responded that the Emery County Road Department does not have the time and equipment to maintain the road as requested. He indicated that it would require the crushing of additional material as well as purchasing additional

equipment and man power. Commissioner Collard further responded in that the Commission would discuss this further with Grand County to see what assistance could be provided.

(9)

#### WADE JENSEN - JOE ERIART - BIG HORN SHEEP PROBLEM

Mr. Wade Jensen and Mr. Joe Eriart came before the Commission to discuss the impact of the big horn sheep on their sheep business in the San Rafael region. They pointed out that big horn sheep were introduced some 10 to 11 years ago. At that time, neither individual realized what the impact would be in their business. They pointed out that the BLM has increased the restrictions in the Swell area in an effort to preserve big horn sheep habitat. They further inquired if the Emery County Commission had given approval for placement of the big horn sheep. They pointed out that in a recent meeting with a joint committee of the Cattleman's Association and the Wool Growers Association that such placement requires authorization and approval of County government.

The Commission responded that since their terms of office which began in 1986, they have not been consulted in this matter. This includes the restriction that prevents the transfer of allotments for grazing of cattle to that of grazing for sheep which Mr. Jensen indicated has taken place since that time. Commissioner Collard indicated to those present on behalf of the Commission that he would contact the necessary State agencies and discuss the problem further and try to anticipate their plan to establish acreage set aside for big horn sheep habitat.

Further discussed with the Commission by Mr. Jensen and Mr. Eriart was the erroneous information that domestic sheep had passed diseases on to the big horn sheep. They further noted that the problem the sheep men are realizing is that when the big horn sheep breed with their domestic sheep, that the sheep are either still-born or do not live for very long, which is creating a serious impact on their business.

(10)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 11:50 a.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:28 p.m. with all members present.

(11)

## WES CURTIS - MUSEUM CONSORTIUM COMMITTEE

Mr. Wes Curtis came before the Commission to discuss the four-county Museum Consortium Committee Meeting. He pointed out the benefits of working together in the area. After further discussion, motion was made by Commissioner Jerry Mangum to appoint Wes Curtis as the Emery County representative to the Southeastern Utah Museum Consortium Committee. Motion was seconded by Commissioner Duane Collard and approved by all members present

(12)

## CASTLE COUNTRY TRAVEL COUNCIL - BRYANT ANDERSON BOARD APPOINTMENT

Economic Development Director, Bryant Anderson came before the Commission pointing out that it had been suggested that his name be submitted for appointment to the Castle Country Travel Council Board. Whereupon, motion was made by Commissioner Jerry Mangum to approve the appointment of Bryant Anderson to serve on the Castle Country Travel Council. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(13)

## PLANNING AND ZONING - CONSOL MINE PROJECTS

Planning and Zoning Director, Bryant Anderson reviewed with the Commission the projects being considered at Consol Mine in Emery. He indicated that a new truck scale to replace their present scales located within the mine yard. Included was an extension to their existing shop facilities, side walks, and development of a waste disposal area. Mr. Anderson pointed out that the projects have been before the Planning and Zoning Board and there appears to be no apparent problems and he has been working with Chris Jones at Consol Mining.

The Commission inquired if he had visited the sites in regards to development of a waste disposal area. Wherein, Mr. Anderson hadn't. The Commission suggested that he might review the site plans further and look into the waste disposal area and determine the types of items being disposed of, pointing out that no hazardous materials will be disposed of at the site.

(14)

## ECONOMIC DEVELOPMENT - COMPUTER PURCHASE

Mr. Bryant Anderson, Economic Development Director, submitted to the Commission a purchase requisition for a Macintosh computer, laser printer, programs and other equipment expected not to exceed \$8,100. Emery County Clerk, Bruce Funk, pointed out that such equipment is not compatible with other personal computer equipment within the County. Mr. Funk suggested that equipment such as the

compatible laser printer could be purchased and used by other departments, if the computer was an IBM compatible type, it would facilitate easier transfer of documents from department to department.

Whereupon, after further discussion, motion was made by Commissioner Jerry Mangum to authorize the purchase as determined by those interested parties. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(15)

#### PUBLIC HEARING - TENTATIVE 1990 BUDGET

Emery County Commission Chairman Clyde Thompson, recognizing the hour at 2:00 p.m., opened the meeting for public input and hearing on the 1990 Emery County Tentative Budget. Therein, asking Emery County Auditor Karen Truman to briefly explain the revenue and expenditures in the 1990 Tentative Budget as submitted.

Emery County Auditor, Karen Truman pointed out that the tentative budget General Fund Revenue and Expenditures for 1990 as proposed would be \$7,941,868; Debt Service Revenue and Expenditures \$243,494; Library Revenue and Expenditures \$359,991; Transient Room Tax Revenue and Expenditures \$10,000; Economic Development/Planning and Zoning Revenue and Expenditures \$49,413; and Library Building Capital Improvements Revenue and Expenditures \$152,062.41. It was further noted that the tentative budget is approximately \$400,000 more than the 1989 budget.

Commission Chairman Clyde Thompson called for public comment or discussion. Sheriff, Lamar Guymon pointed out that the Sheriff's office generates approximately \$694,000 in revenue per year in various categories and therefore, the actual cost to the residents of Emery County for his department is \$519,872.00. Commissioner Collard pointed out that the tentative budget is somewhat higher this year, but the final adjusted budget would be approximately the same amount as the 1989 budget.

There being no other comment, Commission Chairman Clyde Thompson closed the public hearing on the Emery County General Revenue and Expenditure Budgets at 2:11 p.m. and opened the Public Hearing on the Castle Valley Special Service District 1989 Budget.

Darrel Leamaster reported to those present that in addition to the consideration to the tentative budget, that there was a need to open the 1989 Capital Project Budget and to make an adjustment in the fund reserve in the amount of \$53,000. He noted that in 1988, several construction projects had begun which were budgeted for in 1988 and the projects were actually completed in 1989.

Wherein, those funds would have to be transferred into the 1989 budget. As to the 1990 Tentative Budget, Mr. Leamaster pointed out that there would be no increase in taxes and that the budget would remain relatively the same as the previous year. However, he pointed out that the setting of the Castle Valley Special Service District is done under the Emery County Commission and that the budget as submitted has been approved by the Administrative Board. He further pointed out that it is anticipated that the fund balance would be reduced in the coming year by approximately \$109,000 and expected user fees would be increased on their revenue budget because some communities are beginning to pay off their debt service. These monies would then come directly to the Special Service District.

Public Hearing, cont. . . .

Commission Chairman Clyde Thompson inquired of any additional comments from the public. There being none, he closed the public hearing at 2:20 p.m.

(16)

ACCEPTANCE OF THE 1990 TENTATIVE BUDGETS FOR EMERY COUNTY AND  
THE CASTLE VALLEY  
SPECIAL SERVICE DISTRICT

Motion was made by Commissioner Jerry Mangum to accept the 1990 tentative Emery County General Revenue and Expenditure and Debt Service, Transient Room Tax, Economic Development/Planning and Zoning and Library Building Capital Improvements Budgets as well as the Castle Valley Special Service District Budgets as presented and discussed. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(17)

CLEO JOHNSON - BLIND EXEMPTION ADDITION

Emery County Treasurer, Elaine Wilson, presented to the Commission for their consideration the blind tax exemption for Cleo Johnson of Lawrence. Mrs. Johnson has requested this tax exemption with her disability under the blind exemption being certified by a document submitted by her physician. Motion was made by Commissioner Jerry Mangum to approve the addition of Cleo Johnson to those receiving the blind exemption on property taxes. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(18)

EMERY COUNTY LANDFILL - COUNTY MANAGEMENT

The Commission recognized receipt of a letter dated November 25, 1989, from Mr.



Ronald Barney of Ferron, Utah. He has been the manager of the Emery County Landfill. In his letter, he has requested that as of December 15, 1989, that Emery Recycling will no longer provide management services for the County Landfill and that the responsibility for operating the landfill will again fall upon Emery County. He outlined further in the letter those reasons for Emery Recycling's decision to discontinue this service.

It was therefore, the consensus of the Commission that Emery County would recognize and accept Mr. Barney's letter of November 25, 1989, terminating his management services of the landfill. Wherein, Emery County would take over the operation of the County landfill with the option to rebid those services at a later time after the exact terms and conditions can be specified.

(19)

#### 1990 COMMISSION MEETING SCHEDULE

Emery County Clerk, Bruce C. Funk, presented to the Commission a proposed 1990 Commission Meeting Schedule as follows, noting it is on the same first and third Wednesday's of each month at 10:00 a.m. as has been in the past few years:

January 3, 1990	10:00 a.m.
January 17, 1990	10:00 a.m. (Board of Equalization for Personal Property)
February 7, 1990	10:00 a.m.
February 21, 1990	10:00 a.m. (Board of Equalization for Personal Property)
March 7, 1990	10:00 a.m.
March 21, 1990	10:00 a.m. (Board of Equalization for Personal Property)
April 4, 1990	10:00 a.m.
April 18, 1990	10:00 a.m. (Board of Equalization for Personal Property)
May 2, 1990	10:00 a.m.
May 16, 1990	10:00 a.m. (Board of Equalization for Personal Property)
June 6, 1990	10:00 a.m.
June 20, 1990	10:00 a.m. (Board of Equalization for Personal Property)

July 18, 1990	10:00 a.m. (Board of Equalization for Personal Property)
August 1, 1990	10:00 a.m.
August 15, 1990	10:00 a.m. (Board of Equalization for Personal Property)
September 5, 1990	10:00 a.m.
September 19, 1990	10:00 a.m. (Board of Equalization for Personal Property)

Commission meeting schedule, cont. . . .

October 3, 1990	10:00 a.m.
October 17, 1990	10:00 a.m. (Board of Equalization for Personal Property)
November 7, 1990	10:00 a.m.
November 21, 1990	10:00 a.m. (Board of Equalization for Personal Property)
December 5, 1990	10:00 a.m.
December 14, 1990	10:00 a.m. (Board of Equalization for Personal Property)

After review, it was the consensus of the Commission to adopt the Commission meeting schedule, noting that possibly on a couple of dates, that cancellations would have to be made because of meeting conflicts. Motion was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

(20)

#### 1990 EMERY COUNTY HOLIDAY SCHEDULE

Emery County Clerk, Bruce C. Funk, presented to the Commission the proposed 1990 Emery County Holiday Schedule as follows:

New Year's Day 1990	Monday	01-01-90
Human Rights Day	Monday	01-15-90
President's Day	Monday	02-19-90
Memorial Day	Monday	05-28-90
Independence Day	Wednesday	07-04-90
Pioneer Day	Tuesday	07-24-90

Labor Day	Monday	09-03-90
Columbus Day	Monday	10-08-90
Veterans Day	Monday	11-12-90
Thanksgiving Day	Thursday	11-22-90
Christmas Eve	Monday	12-24-90 1/2 day
Christmas Day	Tuesday	12-25-90

Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to accept the 1990 Emery County holiday schedule as presented. Motion was approved by all members present.

(21)

TAX ANTICIPATION NOTE BID AWARD - RESOLUTION 12-6-89A

Deputy Attorney, Steven Killpack presented to the Commission for their consideration Resolution 12-6-89A along with its attachments which recognizes First Security Bank as the apparent low bidder on the 1990 Tax Anticipation Note at the bid opening at 10:00 a.m. today, as indicated in Item #1 of these minutes, with an interest rate of 6.23%. He further noted wherein, First Security will not be selling these bonds on the open market and that amendments have been made to the Resolution and a corrected copy will follow for final signature.

Whereupon, motion was made by Commissioner Jerry Mangum to recognize and award to First Security Bank the bid on the \$4.8 million Tax Anticipation Note at the 6.23% net effective interest rate and to adopt Resolution 12-6-89A upon revision and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(22)

EMERY COUNTY SPECIAL SERVICE DISTRICT #1 - ORGANIZATIONAL AMENDMENT - RESOLUTION 12-6-89B

Deputy Attorney, Steven Killpack presented to the Commission for their consideration, Resolution 12-6-89B which amends the Organizational Resolution for the Emery County Special Service District #1. He noted that the original organizational resolution creating the District does not provide for disbursement of assets upon dissolution. Wherein, Resolution 12-6-89B provides the following: That the organizational resolution for the Emery County Special Service District #1, (Resolution 11-2-88A), is hereby amended to include the following provisions: Upon dissolution of the Emery County Special Service District #1, the assets held or owned by the District shall be distributed to Emery County, a body corporate and politic and used for public purposes as

provided by law.

Whereupon, motion was made by Commissioner Jerry Mangum to adopt and approve Resolution 12-6-89B which provides for distribution of assets owned by the Emery County Special Service District #1 to Emery County as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(23)

#### ANNUAL LEAVE CARRY-OVER

Deputy Attorney, Steven Killpack presented to the Commission for their consideration a proposed Resolution which would authorize the carry-over of more than 40 hours of annual leave into the next year. Upon review of the Commission, it was the consensus of those present that the document presented did not require department head approval for the same. Therefore, he requested that it be revised to include prior department head approval and that the resolution be brought back to the Commission at a later time for further consideration.

(24)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:11 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

ATTEST

CHAIRMAN

ComMin12-15-89

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

DECEMBER 15, 1989

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C.

Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:09 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

It was the consensus of the Commission to hold the minutes of the December 6, 1989, Commission meeting until the next Commission meeting to allow them sufficient time to review them.

(2)  
INDIGENT BURIAL

Emery County Clerk, Bruce Funk advised the Commission that he has been contacted by one of the funeral homes in Price regarding the death of a possible indigent who has recently been residing in the Emery County Nursing Home. The funeral home is concerned as to how the County would participate if it is so determined that the person is indigent and falls under the guidelines. The funeral home was advised of the policy of the County and that the County is the payor of last resort. The Commission further inquired of Deputy County Attorney, Steven Killpack as to previous discussions in regards to County owned burial plots, with consideration being given to the cemetery in Lawrence and to Clawson as well as the County obtaining their own burial cemetery.

After further discussion, the Clerk was directed by the Commission to phone the responsible parties over the cemeteries in those two communities and see what arrangements could be made for such burial.

(3)  
AMENDING THE 1989 BUDGET - RESOLUTION 12-15-89A

Emery County Auditor, Karen Truman presented to the Commission the amended 1989 Emery County General Revenue and Expenditure Budget. She noted that there is no overall increase in the budgets, that adjustments are primarily due to the increase in benefits and insurance costs within department budgets and therefore, there is a need to amend the budgets at this time.

Wherefore, Commission Chairman Clyde Thompson called for any questions in

regards to amending the 1989 Budget. There being none, motion was made by Commissioner Jerry Mangum to accept Resolution 12-15-89A which amends the 1989 Emery County General Revenue and Expenditure Budget as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(4)

ADOPTION OF THE 1990 EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT BUDGETS - RESOLUTION 12-15-89B

Emery County Auditor, Karen Truman presented to the Commission Resolution 12-15-89B which is the proposed final 1990 Budget for Emery County, which includes revenues in the amount of \$7,511,722 with expenditures in the same amount; Debt Service Revenue and Expenditures \$243,494; Library Revenue and Expenditures \$358,789; Transient Room Tax Revenue and Expenditures \$10,000; Economic Development/Planning and Zoning Revenue and Expenditures \$48,413; and Library Building Capital Improvements Revenue and Expenditures \$152,062.41. She further pointed out that there would be an increase in property tax of approximately \$13,083. She also indicated that the budget submitted to the Commission at this time reflects a wage increase in the overall budget for employees and elected officials of 5%. It was pointed out that there would not be a 5% increase, but each person would receive a flat rate in the amount of approximately \$94.00 per month. This is in an effort not to increase the disparity that exists between employees rather than increase the disparity which would be a result of an overall percentage increase.

Emery County Treasurer, Elaine Wilson expressed opposition to the Commission action. Emery County Assessor, James Fauver felt that other elected officials should have been consulted in this matter. Comments were also expressed by Emery County Sheriff, Lamar Guymon.

Whereupon, after discussion, motion was made by Commissioner Duane Collard to adopt the 1990 Emery County General Revenue and Expenditure Budget, Debt Service, Library, transient Room, Economic Development/Planning and Zoning and Library Building Capital improvement Budgets as covered in Resolution 12-15-89B as presented and approve the Emery County Special Service District 1990 Budget. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(5)

EMERY COUNTY BENEFIT PLAN - VISION CARE ADOPTION

Motion was made by Commissioner Duane Collard to adopt the Vision Care Program and amend it to the Emery County Health Benefit Plan to be effective January 1,

1990. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

#### RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM - EMERY COUNTY SUPPORT

Mr. Keith Beardall came before the Commission to discuss soil conservation and a new application for resource conservation and development. He noted that a previous application had been submitted approximately 16 years ago, but had not received approval. He indicated that he represents soil conservation in four Counties: Emery, Grand, Carbon and San Juan. It is felt that this coming year funding will be available and there is a need to upgrade the application. If funded, it can be for natural resource programs in rural areas such as irrigation companies, towns and cities. He further indicated that in the past, the sponsors have been the five soil conservation services in the area, four County Commissioners, four County seats, the Southeastern Utah Association of Governments, the Navajo tribe, and the Ute tribe has now expressed interest in joining them.

After further discussion, motion was made by Commissioner Duane Collard to recognize Emery County as a sponsor of the Resource Conservation and Development Program and encourage involvement in as well as solicitation of national funding. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(7)

#### EMERY COUNTY LANDFILL - RON BARNEY - AGREEMENT EXTENSION

Mr. Ronald Barney, of Emery Recycling who has been the manager of the Emery County Landfill, came before the Commission and inquired as to the Commission's intent in managing the landfill. Commission Chairman Clyde Thompson advised Mr. Barney that at the present time the commission is unsure as to how to proceed and that there are meetings scheduled after the first of the year which may give some assistance on the guidelines which the Commission will have to consider in the management of the landfill.

Mr. Barney indicated that one of his prime concerns is if he should continue to manage the landfill until such time as the Commission can consider the new guidelines, that clarification needs to be made on the liability insurance in that he is unable to obtain it. He also discussed the problem of cows knocking over the litter fence.

County Landfill, cont. . . .

The Commission inquired of Mr. Barney if he would consider operating the landfill under the present agreement. This is provided that if necessary, the County would supply additional dirt to cover the landfill as needed and if the County would enter into an amended agreement which Emery County would assume the liability insurance and designate the limits of the same on the landfill. This would be extended through the first of March or to the end of April. Wherein, at that time, the County would have a good idea as to the guidelines and specifications that would be needed to be included in resubmitting it for bid. Mr. Barney agreed to continue management of the landfill as discussed. Diane Barney, who was also present, informed the Commission that the main problem is that there is not enough money in the contract to do all the work under the new guidelines.

The Commission further informed Mr. Barney that any financial increase in the cost of managing the landfill would require rebidding and that it would not be fair to rebid until it is known by all parties what exactly is to be done. Mr. Barney further asked of the Commission to write letters requesting inspections of the sites within the County. The liability insurance was further discussed with Emery County Auditor, Karen Truman who informed the Commission that it could be done provided that the County clarified it in the insurance in the agreement.

(8)  
 ADJOURN FOR LUNCH

Motion to adjourn for lunch at 12:00 noon was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:24 p.m. with all members present.

(9)  
 AUDITOR'S BUSINESS

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
68	Scanner and programs - Clerk	3,109.00	Approved
69	Schwinn Exercise bike - Sheriff's Office	649.00	Not approved
70	Macintosh computer, laser printer, etc. -	6,339.00	



Economic Development

Approved

Requisitions, cont. . . .

71 Laser Printer - Clerk 1,062.00 Approved

Motion was made by Commissioner Duane Collard to approve requisitions 68 and 70 and that a hold be placed on requisition 69 at this time. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(10)

1989 TAX ANTICIPATION NOTE - PAYMENT REQUEST

Emery County Auditor, Karen Truman informed the Commission that by letter she has received a request to pay the 1989 Tax Anticipation Note which is due on December 29, 1989, for \$4.7 million with interest in the amount of \$305,578.35.

(11)

REINVESTMENT - 1990 TAX ANTICIPATION NOTE

After discussion, motion was made by Commissioner Duane Collard to authorize the County Attorney to accept reinvestment bids on the \$4.8 million 1990 Tax Anticipation monies. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(12)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 1:53 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin1-3-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 3, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the agenda was made.

(1) 1990 TAX ANTICIPATION NOTE - REINVESTMENT BIDS AND ACCEPTANCE

Emery County Deputy Attorney, Steven Killpack informed the Commission pursuant to their request at the previous meeting, that he has sent letters to entities soliciting reinvestment bids on the 1990 \$4.8 million Tax Anticipation Note. Those who have expressed an interest are: Zions First National Bank, First Security Bank and First Interstate Bank. They further informed those present and the Commission that this is not a bidding process and that the Commission could look into other factors in selecting the final offer. Commission Chairman Clyde Thompson asked for receipt of the investment proposals. Errol Holt, of Zions First National Bank; Sharon Baker, of First Security Bank; and Dan Hunter, of First Interstate Bank; offered reinvestment proposals to the Commission as follows:

Zions First National Bank Maturity	Amount	Certified Depository CD's	Total Funds at Maturity
8-1-90	500,000	8.00%	523,222.22
8-31-90	500,000	8.00%	526,555.56
10-1-90	500,000	8.00%	530,000.00
11-1-90	500,000	8.00%	533,444.44
11-30-90	500,000	8.00%	536,666.57
12-31-90	2,300,000	7.96%	2,483,588.56

Reinvestment Bids, cont. . . .

First Security Bank

8-1-90	500,000	8.00%	23,550.85
9-1-90	500,000	8.00%	27,019.60
10-1-90	500,000	8.00%	30,603.99
11-1-90	500,000	8.00%	34,212.29
12-1-90	500,000	8.00%	37,954.45

12-29-90	2,300,000	8.10%	191,484.87
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First Interstate Bank

8-1-90	500,000	7.75%	23,556.40
9-1-90	500,000	7.50%	25,359.45
10-1-90	500,000	7.50%	28,529.38
11-1-90	500,000	7.50%	31,804.98
12-1-90	500,000	7.50%	34,974.91
12-29-90	2,300,000	7.50%	174,494.16

All reinvestment proposals were based on a January 4, 1990, settlement. Commission Chairman Clyde Thompson recognized First Security Bank as the proposal offering the highest net effective yield. Commissioner Collard questioned those present as to where the money would be invested. Zions First National Bank responded that they would be in TCD's as approved by the money management counsel and would be out of state. First Security Bank indicated that there's would be held in the local branch and invested in CD's in commercial banks. Mrs. Baker further responded that her interest rates are compounded quarterly with an overall effective rate of 8.23%. The Commission expressed appreciation to those present in submitting the proposals for their consideration at this time. Action will be taken later this day to determine which offer would be accepted by the Commission for the reinvestment.

(2) COMMISSIONER'S MINUTES

The minutes of the December 6, 1989, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to accept the minutes as revised and corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

The minutes of the December 15, 1989, Commission meeting having just been received by the Commission are to be held until the next Commission meeting to allow sufficient time for review.

(3) VOTER REGISTRATION LISTS

Emery County Clerk, Bruce C. Funk, discussed with the Commission a request by political parties for Emery County Voter Registration. He inquired as to Commission direction in setting a cost for this list. The names can be provided through Progressive Management Services, directly to the agencies, but the political parties do require authorization by the County Clerk. He further informed the Commission that in the past, the Clerk's office has charged a cost per name, including any set-up costs incurred by the County in making that data available to Progressive Management Services. After further

discussion, it was the consensus of the Commission that this item be referred back to the Clerk for a determination as to cost and to proceed accordingly.

#### (4) BEAR CANYON CAMPGROUND REVENUES

Emery County Clerk, Bruce C. Funk, presented to the Commission a Revenue and Expenditure Budget for the Bear Canyon Campground for the year 1989. He noted a beginning year balance of \$33.75 with total receipts after cleaning deposit disbursements in the amount of \$4,943.66. He pointed out that campground rentals are a total of \$1,235.00 which has been a result of the efforts made by Tom Bell, who is the caretaker at the campground. He further pointed out that the revenue for the year 1987 was \$3,800; for 1988 was \$4,300. The amount transferred to the County General Fund for 1989 was \$4,873.66, leaving a balance in the checking account to carry forward of \$70.00.

#### (5) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #894248 through and including #894421 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
72	3 Tractors - Road	84,000.00	Approved

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisition for purchase.

#### (6) 1989 LIBRARY BUDGET

Emery County Auditor, Karen Truman presented to the Commission the following minute entry as follows: At the year's end 1989, unforeseen expenses were accrued in the Library Fund that required immediate payment. Due to the lateness of the expense, there was no time to hold a public hearing to open the 1989 budget for adjustment. Therefore, a motion to include the 1989 expenditure of \$8,572.00 in the 1990 expenditure budget of the Library Fund, without changing the total expenditures for 1990, is needed.

Therefore, having been advised by legal counsel that a public hearing was not necessary in this matter, motion was made by Commissioner Duane Collard to approve the adjustment as made. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

## (7) PERSONNEL ITEMS

Personnel Director, Karen Truman, presented the following personnel items for Commission consideration:

A) Amendment of Personnel Policy - Resolution 1-3-90 - Presented to the Commission was Resolution 1-3-90 which allows employees additional carry-over of annual leave in excess of the five day maximum upon approval of the department head and the Commission. It was indicated that it must be used in the first quarter of the following year. Motion was made by Commissioner Duane Collard to approve and adopt Resolution 1-3-90 as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Road Department Operator II Position - Mrs. Truman informed the commission of a request from the Road Department for the full-time position of an Equipment Operator II. The position was previously held by Randall Stilson on a 9- month temporary basis. The position would be at \$9.97 per hour and that inhouse advertising for the position begin January 3, 1990. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the full-time position of an Operator II in the Road Department, the position be filled in accordance with the Emery County Personnel Policy and that advertising be done within the County as required.

C) Zen Majors - Status Change - Presented was the Personnel Action Form for Zen Majors of Huntington, who is to be classified as an Operator I on a temporary seasonal basis to be paid at the rate of \$8.00 per hour for a total of nine months or 1,560 hours annually, effective January 2, 1990. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Zen Majors, reclassifying him to an Operator I as a temporary seasonal employee to be paid at the rate of \$8.00 per hour with a total of 9 months employment with an effective date of January 2, 1990. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Personnel Items, cont. . . .

It was further pointed out by Road Superintendent Rex Funk that the need for the additional employees in the Road Department is because of the increased Federal Regulations effecting their department.

D) Gwynith Parriott - RSVP - Presented was the Personnel Action Form for Gwynith Parriott of Moab, Utah, who works in the RSVP program as the Green River and Grand County coordinator, increasing her status on a permanent part-time basis of 20 hours per week or \$425 per month to working 25 hours per week at a rate of \$5.28 per hour or a total salary of \$559 per month. The additional funding will be paid for from Grand County and Moab City. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form for Gwynith Parriott, increasing her hours

and salary as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Effective date is January 2, 1990.

E) H. Dorothy Taylor - Ferron Library - Presented was the Personnel Action Form for H. Dorothy Taylor from the Ferron Library for reclassification from Permanent Part-time or a salary of \$6.07 per hour to permanent status at a Grade 5, Step 1 or a salary of \$1,266 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for H. Dorothy Taylor as presented. Motion was approved by all members present. Effective date is January 2, 1990.

F) Odessa Jones - Castle Dale Library - Presented was the Personnel Action Form for Odessa Jones from the Castle Dale Library for reclassification from Permanent Part-time or a salary of \$6.08 per hour to permanent status at a Grade 5, Step 1 or a salary of \$1,266 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Odessa Jones as presented. Motion was approved by all members present. Effective date is January 2, 1990.

G) S. Denise Hoffman - Green River Library - Presented was the Personnel Action Form for S. Denise Hoffman of the Green River Library for reclassification from Permanent Part-time or a salary of \$5.90 per hour to permanent status at a Grade 5, Step 1 or a salary of \$1,266 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for S. Denise Hoffman as presented. Motion was approved by all members present. Effective date is January 2, 1990.

#### (8) ROAD DEPARTMENT BUSINESS

A) Emery Town - Gravel - Road Superintendent Rex Funk informed the Commission that he is submitting a letter to Emery Town, billing them for gravel which they have received but have been unwilling to pay for. It was further pointed out that this is the third year in a row that they have not paid for the materials. Mr. Funk asked for direction from the Commission. It was his

Road Department business, cont. . . .

recommendation that those communities who do not reimburse the County for those processing costs of the material, be temporarily removed from the program until those costs have been paid and that locks to those gravel pits would be changed. It was the consensus of the Commission that Mr. Funk proceed accordingly.

B) FAS Road Programs - Mr. Funk further reviewed with the Commission those roads most viable for FAS funding. He pointed out that the Ferron Canyon road is the most probable road because of the increased usage. However, there are problems based on the golf course club house and fence being in the right-of-way. He further pointed out

that the County has lost approximately \$24,000 in not getting it qualified. It was the consensus and feeling of the Commission that if there are problems with that road and that efforts should be directed to other roads rather than jeopardize any future FAS funding.

C) Underground Storage Tanks - Mr. Funk discussed with the Commission the new guidelines in regards to underground fuel storage tanks. He pointed out that it would cost approximately \$3,500 annually to test a pair of 5,000 gallon underground fuel tanks. He further pointed out the problems with the piping and condition of the present tanks. After further review, it was the consensus of the Commission and Mr. Funk that rather than spend the time in certifying the underground tanks annually, that efforts should be put into looking into removing the tanks and installing them above-ground. Further questioned was the feasibility of continuing to have a gasoline fuel tank when most of the vehicles now in the Road Department operate on diesel fuel.

#### (9) ERROL WILSTEAD - PROPERTY TAX ABATEMENT REQUEST

Mr. Errol Wilstead, of Lawrence, came before the Commission and requested that back mobile home property taxes be adjusted. He pointed out that the value of the mobile home and property has been assessed at a value of approximately \$24,000. He further disclosed that the home in 87 and 88 was not livable by health standards because it did not have plumbing and had incurred serious damage.

Emery County Assessor, Jim Fauver, indicated that he has visited the home and property and that for the 1990 value, the adjustment has been made down from \$24,000 to \$8,000 in value. Mr. Wilstead was advised by both the Commission and Mr. Fauver that any adjustment in the 1989 and previous year property taxes should have been done through an appearance at the Board of Equalization. Mr. Wilstead was further questioned as to the status of the bankruptcy under the name of Dean Wilstead which the property is listed under.

Errol Wilstead, cont. . . .

The Commission further advised him that they questioned what their authority would be in making any adjustment at this time. It was suggested and agreed by all parties that it would be better to wait until after the bankruptcy is completed and property ownership is determined. The Commission expressed a willingness to work with Mr. Wilstead at that time.

#### (10) ADJOURN FOR LUNCH

Motion to adjourn for lunch at 12:33 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:40 p.m. with all members present.

(11) EMERY COUNTY - ENTERPRISE ZONE

Commission Chairman Clyde Thompson read a letter received from Utah Governor Norman H. Bangerter, dated December 26, 1989, wherein effective December 15, 1989, Emery County has been designated as an Enterprise Zone. The Commission asked that copies of the letter be given to the Emery County Progress and to the Economic Development Director Bryant Anderson.

(12) LANDFILL AGREEMENT EXTENSION

By memorandum, Emery County Deputy Attorney, Steven Killpack provided to the Commission an Agreement between Emery County and Ronald Barney doing business as Emery Recycling. The Agreement provides for the extension of the July 1, 1987, agreement to the period of April 1, 1990, with Emery County being the provider for the liability insurance. Whereupon, after review, motion was made by Commissioner Jerry Mangum to approve the Agreement as presented and authorize Commission Chairman Clyde Thompson to sign the same and that the document be forwarded to Mr. Barney for his approval and signature. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(13) TAX ANTICIPATION NOTE REINVESTMENT AWARD

After having sufficient time to review the reinvestment proposals received from Zions First National Bank, First Security Bank and First Interstate Bank, earlier today and as reported in Item #1 of these minutes, motion was made by Commissioner Duane Collard to award the reinvestment notes to First Security Bank for a total amount of \$4,800,000 which would result in an accrued interest of \$344,826.05 on the investment and further to authorize Deputy County Attorney, Steven Killpack to contact First Security Bank and make arrangements

Reinvestment Bids, cont. . . .

for accounts to enable those reinvestments to be made on January 4, 1990, as requested. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(14) BEAR CANYON CAMPGROUND - OVERNIGHT CAMPING RATES

The Emery County Commission, was questioned as to whether an increase in the overnight camping rates were being considered for Bear Canyon Campground, Commission Chairman Clyde Thompson suggested that the overnight camping fee be increased from \$2.00 to \$4.00 per night for those campers depositing funds upon entry or \$5.00 per night if the fees are collected at the campsite by the caretaker. Whereupon, motion was made by Commissioner Duane Collard to approve the setting of the overnight campsite fees from that of \$2.00 per unit to \$4.00 per unit per night or



\$5.00 if the fee is collected by the caretaker, with \$1.00 of the \$5.00 being refunded to the caretaker for his efforts. This is effective for the 1990 camping year. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(15) MEETING ADJOURNMENT

Motion to adjourn the meeting at 1:58 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin1-17-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 17, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce Funk.

A review of the agenda was made.

(1) COMMISSIONERS MINUTES

The minutes of the December 15, 1989, Commission meeting were reviewed. Motion was made by Commissioner Jerry Mangum to approve the minutes as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

The minutes of the January 3, 1990, Commission meeting were reviewed. Motion was made by Commissioner Jerry Mangum to approve the minutes as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

## (2) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, advised the Commission that no Warrant Edit List was prepared and available at this time because of year-end closing. She, therefore, presented the following requisitions for Commission consideration:

Req. #	Item and Description	Amount	Action
3	Three hydraulic wet line kits for dump bodies - Road	4,704.00	Approved
4	Electric toilet kit and accessories - Road	2,083.95	Approved

Whereupon, the Commission approved and signed the requisitions.

## (3) AMENDING 1989 GENERAL REVENUE AND EXPENDITURE BUDGETS - RESOLUTION 1-17-90

Emery County Auditor, Karen Truman, presented to the Commission for their consideration and approval, Resolution 1-17-90 which amends the 1989 General Revenue and Expenditure Budgets. She indicated that it is the final budget adjustments for 1989 and have been approved by Auditor Kay Kimble. Whereupon, motion was made by Commissioner Duane Collard to accept Resolution 1-17-90 as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

## (4) PERSONNEL ITEMS

Personnel Manager, Karen Truman presented the following Personnel Action Forms to the Commission for their consideration:

A) Chris Guymon - Resignation - Presented was the resignation of Chris Guymon who is the Huntington Library Custodian, effective January 31, 1990. Whereupon, motion was made by Commissioner Jerry Mangum to approve and accept the resignation of Chris Guymon as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Randall Stilson - Road Department - Presented was the Personnel Action Form for Randall Stilson as a Full-Time Operator II in the Road Department, to be hired at a Grade 11, Step 1 or a salary of \$1,728.00 per month. She pointed out that advertisement has been completed in-house as required in the Emery County Personnel Policy. Motion was made by Commissioner Jerry Mangum to approve the hiring of Randall Stilson as

presented. Motion was seconded by Commissioner Duane Collard and approved by all members present. Effective date is January 15, 1990.

C) Zen Majors - Presented was the Personnel Action Form for Zen Majors to be hired in the Road Department as a seasonal temporary employee as an Operator I to be paid at the rate of \$8.00 per hour for a nine-month period, whereas previously he had been on a six-month status only. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form of Zen Majors as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present. Effective date is January 2, 1990.

#### (4) EAST CARBON - HORSE CANYON ROAD

Commission Chairman Clyde Thompson indicated to those present that he had received a letter from residents in East Carbon, expressing appreciation for the upgrading and improvements on the Horse Canyon Road.

#### (5) GOVERNOR'S LEGISLATIVE ADDRESS

Commission Chairman Clyde Thompson indicated that he had received a copy of the Governor's address to the legislature, asking for any comments in regards to items therein mentioned. It was the consensus of the Commission that Commissioner Collard would respond with any comments, noting that the Emery County Commission is overall supportive of the address.

#### (6) STEPHEN DEFRIEZ - CASTLE VALLEY FIRE CAMP CREW

Stephen Defriez of Castle Dale, Utah, together with Reid and Peggy Black of Clawson, Cory Oaks of the Carbon District Fire Warden, Dale Jablonski of the Carbon District Fire Warden from Vernal, and John Patten of the Forest Service in Price, came before the Commission. Mr. Defriez indicated that the purpose in their being before the Commission today was to organize a fire line crew which would be a permanent crew. He requested the County to budget for clothing and equipment. Mr. Patten noted that such crews have been created in Summit and Carbon Counties.

Mr. Jablonski indicated there is State administered money which would be on a cost-share program at approximately a 50% participation up to about two to three thousand dollars. In the past it has been proven to be a very economically feasible program in bringing many thousands of dollars back into the County through wages earned. Discussed was whether the program could be a part of the District Wildland Fire program which Emery County presently participates or whether it would be advantageous to be associated with the Sheriff's department much in the same area as the Posse.

After further discussion, it was the consensus of those present and the suggestion of the Commission, that Mr. Defriez and other interested members get together with Economic Development Director Bryant Anderson and look into the possibility of going private.

It was the suggestion of Commissioner Jerry Mangum that the group investigate all three possibilities in order to determine which would better serve their needs. However, Commission Chairman Clyde Thompson pointed out that the need for funds from the County would have to be considered next September, as the budgeting process for the year 1990 has closed.

#### (6) U.S. FOREST SERVICE UPDATE VISIT

Forest Supervisors Ira Hatch and John Niebergall, came before the Commission to update them and answer any questions on activities in the forest area. Mr. Niebergall gave a snow report, noting that effective the 16th of January most areas are about 50% of normal with exception of the Mammoth and Cottonwood which run about 60%. Mr. Niebergall further reported on the burn last fall on

U. S. Forest Service, cont. . . .

the Wrigley Hill in which 800 to 900 acres were burned in order to stimulate aspen growth. This benefits wildlife and livestock and the burn was very successful. He further indicated that the Forest Service is planning another burn in the Muddy area as soon as the impact study has been completed.

The following items were also discussed: The road west of Joe's Valley Reservoir; Trail Mountain Mine's request for additional coal lease acreage adjacent to their mines; the Castle Valley Richfield mine which sold; Genwal's mines up Crandall Canyon working on a right of way; dams at Pete's Hole, Potter's and other small dams that would not be breached because of the importance in wildlife and recreation; and Ferron Reservoir which will possibly be worked on this year. Discussed was the Miller's Flat road, noting that two spots have not yet been graveled because of private ownership and road right of ways have not been obtained. Link Canyon Road, noting that the guard has put it into its program that is probably three years away. And the Forest Service's schedule in the Spring to do some preliminary surveying.

Mr. Hatch pointed out that the BLM and adjoining forests have taken drastic action in regards to grazing rights on those areas. He noted that he and Mr. Niebergall plan to hold off an additional three months to get a more complete understanding of what the next year will hold as to moisture. He noted that typically January, February and the first part of March are when sizable amounts of moisture are received pointing out that they would receive proposals from stockmen and would welcome any volunteer cutbacks on grazing this year.

The Commission expressed appreciation to Mr. Niebergall and Mr. Hatch for being in attendance and updating them at this time. It was further noted that there is a video available on the burn on the Wrigley Hill as well as a slide presentation on the mammoth recovered in the Huntington Canyon area.

#### (7) ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:24 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:48 p.m. with all members present.

#### (8) ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk met with the Commission to discuss the need to receive authorization allowing him to sign encroachment and gravel permits with BLM. He noted that these are fairly routine and many times a Commissioner is not available. Whereupon, after discussion motion was made by Commissioner

Road Department business, cont. . . .

Jerry Mangum to authorize Road Superintendent Rex Funk to sign the needed applications with the Bureau of Land Management in regards to barrow and gravel pits only. Motion was seconded by Commissioner Duane Collard and approved by all members present.

#### (9) SALES TAX ORDINANCE 1-17-90B - SALES TAX

Deputy Attorney, Steven Killpack, presented to the Commission for their consideration Ordinance 1-17-90B which is an Ordinance imposing a 1% Municipal Sales and Use Tax. This would amount to a .664% increase, noting that the overall tax in the County and State would remain the same. Whereupon, motion was made by Commissioner Jerry Mangum to adopt Ordinance 1-17-90B imposing a full 1% Municipal Sales and Use Tax and that the overall tax to the consumer would remain the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

#### (10) ANIMAL CONTROL ORDINANCE

Animal Control Officer, Stan Nielsen came before the Commission requesting that the Commission reconsider the revised Animal Control Ordinance. He noted that the new ordinance now includes vicious dogs and dangerous animals and further defines working dogs. He indicated that he has recently received two reports bad dog bites in the Green River area and consented that not all incidents are in the County.

The Commission advised Mr. Nielsen that no one seems to want a change from the old Ordinance. Commissioner Collard indicated that he would obtain a copy of the old Ordinance and asked that Mr. Nielsen provide him with the revised one for comparison. Commissioner Collard, Mr. Nielsen and the Sheriff are to get together and see what can be worked out. He noted that a commitment had been made to previously concerned residents that before any formal action would be taken that proper notification would be given, wherein they could inspect the considered Ordinance.

The Commission further discussed with Mr. Nielsen the heating costs for the animal control shelter. Mr. Nielsen pointed out that it is presently electrically heated and that there is inadequate insulation. Discussed was the possibility of installation of propane gas heaters. It was further the consensus and request of Commissioner Collard that he and Mr. Nielsen meet together and look over the building and bring back any further recommendations for Commission consideration at a later time.

#### (10) E-911 EMERGENCY FUND

Emery County Auditor, Karen Truman presented to the Commission a budget fund number in the Emery County Revenue and Expenditure Budget for the E-911 funds. She pointed out that she has received two payments from the Emery County Telephone Association and that she has set up two line items within the budget. She noted that this is a per Commission request.

#### (11) COMPUTER TRANSFER

Commissioner Jerry Mangum discussed with the Commission the possibility of transferring the computer previously used by Scott Truman in the Economic Development office. He noted that Bryant Anderson has received new equipment and therefore, at the present time the equipment is surplus. He requested Commission consideration to transfer the equipment to the Weed and Mosquito department for their use. It was the consensus of the Commission that Commissioner Mangum proceed with that transfer.

#### (12) MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:32 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

ATTEST

CHAIRMAN

ComMin2-7-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

February 7, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C.Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the agenda was made.

(1) COMMISSIONERS MINUTES

The minutes of the January 17, 1990, Commission meeting were reviewed. Motion was made by Commissioner Duane Collard to accept the minutes as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2) E-911 EMERGENCY TELEPHONE SERVICE

Keith Ware of the Emery County Farmers Union Telephone Association came before the Commission to update them in regards to the E-911 service. He noted that he and Deputy Attorney, Steven Killpack have discussed the original \$.50 assessment and collection for the E-911 service. He indicated that notice had been given to U.S. West. Since that time, U.S. West has installed 911 service in the Huntington area, but was a result of upgrading the lines to the Huntington Power Plant. U.S. West has assessed a \$.25 of the \$.50 charge on each resident in Huntington. Mr. Ware pointed out that they use two DID trunk lines and how the routing of calls will be made.

Emery County Sheriff Lamar Guymon noted that upon installation of the 911 service in Huntington, that the remaining two lines to his office were tied up with local calls. He indicated that they were unable to answer the calls as U.S. West had not informed them of the upgrades being made and the impact to the Sheriff's Office.

E-911 Service, cont. . . .

Mr. Ware further felt the way in which U.S. West upgraded the system and the

associated costs involved were not necessary. He indicated that costs for use of the trunk lines would far exceed the \$.25 charge being assessed. Mr. Killpack emphasized that in no correspondence or in the notice to proceed with the collection, was the 911 service approved. Only the E-911 service was mentioned, which is significantly different from the 911 service. Collections were to have begun in November.

After further discussion, Commissioner Collard suggested that someone from U.S. West to meet with the Commission and that Mr. Ware also be in attendance and review this situation further. He suggested that Mr. Ware contact Mr. Bill Jensen and arrange said meeting with the Commission.

### (3) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #900001 through and including #900229 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
5	.45 Caliber Smith & Wesson pistol - Attorney	484.95	Approved
6	Canon FAX machine - Sheriff	2,535.00	Approved
7	Two Mobile Radio Units - Road	920.00	Approved
8	Airless Jackhammer - Road	159.34	Approved
9	Schwinn Air-Dyne - Sheriff	649.00	Approved

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was approved by all members present.

### (4) EQUIPMENT DISPOSAL - ROAD DEPARTMENT



Commissioner Jerry Mangum reviewed the request of Road Superintendent Rex Funk to dispose of certain Highway Department equipment through a consignment and trade sale. He noted that in the past this has proven to be the best means of disposal with a greater return to Emery County. He further pointed out that under the new guidelines, those items purchased from Class B road funds upon sale must be redeposited into Class B road funds. Auditor, Karen Truman indicated that necessary budget line items could be made to accommodate the funds received from the disposal of said equipment.

After further discussion, motion was made by Commissioner Duane Collard to approve the disposal of the following equipment items as presented by the Road Department: 1966 Lowboy Trailer, serial #T06019; 1977 Ford Tractor, serial #U91LVY93443; 1972 Peterbilt Tractor, serial #44953P; 1968 Cat Grader, serial #89G293; and 1971 Kenworth Tractor, serial #216501. Any monies received from those items which were originally purchased from Class B road funds be redeposited in the Class B road funds and that those items originally purchased from the Highway Department be redeposited in the Emery County General Fund. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### (5) PERSONNEL ITEMS

Emery County Auditor, Karen Truman presented the following personnel items for Commission consideration:

A) Librarians - Increase in Hours - Emery County Auditor, Karen Truman informed the Commission that last July, action was taken by the Commission wherein librarian hours were increased to within the range of 20 to 39 hours per week. However, no official Personnel Actions had been presented and signed. Her purpose in being before the Commission at this time was to approve and sign the Personnel Actions, effective to July 1, 1989. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the same as presented, retroactive to July 1, 1989. Motion was approved by all members present.

B) Celena Vee Guymon - Janitor at Huntington Library - Presented was the Personnel Action Form for Celena Vee Guymon to be hired as a Janitor at the Huntington Library, working 10 hours per week with a salary of \$161.00 per month. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to accept the hiring of Celena Vee Guymon as presented. Motion was approved by all members present. Effective date is February 1, 1990.

Personnel items, cont. . . .

C) M. Dorothy Nelson - Resignation - Presented was the Personnel Action Form

for M. Dorothy Nelson who is a part-time librarian at the Green River library who has submitted her resignation. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to accept the resignation of M. Dorothy Nelson as presented. Motion was approved by all members present. Effective date is January 25, 1990.

#### (6) TED FARMER - BOY SCOUTS OF AMERICA - SCOUTING FOR FOOD PROGRAM

Mr. Ted Farmer of the Boy Scouts of America, came before the Commission to discuss various programs and training offered to the scouts, leaders and parents. Among those are drug education, literacy, child abuse and unemployment. He requested Commission support in helping to make the scouting organization more effective, by coordinating efforts with other County departments.

Mr. Farmer pointed out that his main purpose in coming before the Commission today was in regards to the scouting for food program. It originally started in 1988 in which food was collected by the scouts over two weekends and was brought into the RSVP agency in Emery County. From there it was distributed. However, in 1989, the RSVP declined to handle the food, but agreed to help with the distribution. Therefore, they solicited other groups. Amongst those were the Southeastern Utah Association of Governments under the direction of Maughn Guymon who agreed to pick up the food, sort it, and redistribute it back to Emery County residents.

Mr. Farmer indicated that the scouts would continue to collect the food. However, they had received criticism from some Emery County residents in that the items were taken to Carbon County and many supposed that was the final distribution of the food. However, it appears from all indications that the food has continued to come back into Emery County and will continue over the year.

Larry Heaton from Social Services asked that consideration be given to depositing the collected items in Emery County as well as distribution of the same. He indicated many of the people who come through Social Services who qualify for assistance do not have transportation to go to Carbon County in order to pick up the food.

After further discussion, it was the consensus of the Commission, that efforts be done to see if there were agencies that would take the responsibility locally. However, they assured those present that because of their association with Maughn Guymon and the Southeastern Utah Association of Governments, that they were sure that Emery County would receive their fair share. It was the consensus of the Commission and agreed upon by Commissioner Duane Collard that he meet with Carolyn Randall of the RSVP program and Maughn Guymon of the AOG

Scouting for Food Program, cont. . . .

to determine if there is a better way to handle the items. Whether locally or through the Association of Governments. Commissioner Collard further went on to emphasize that as a Commission, they did not feel that they had any authority to force any agency to do the work and distribution of the items expressing appreciation to those involved in the past.

#### (7) ROAD DEPARTMENT BUSINESS

A) Employee Housing while working in Green River - Road Superintendent Rex Funk reviewed with the Commission the projected work in the Green River area. This is to take place beginning March 1 for five to six weeks. They will be working on the airport road. He informed the Commission that in the past they have been able to get a room for \$40.00 per night which would house three workers. However, at the Cottage Motel, which is in the Emery County side, the rate is \$27.00 for two. He inquired of the Commission as to direction as to where to stay. It was the consensus of the Commission that the employees stay at the Cottage Motel in the Emery County side.

B) Official Emery County Road Map - Road Superintendent Rex Funk, together with Tom Humphrey reviewed the need to update the current Emery County road log. He noted that many roads need to be deleted and some which serve only private residences. They requested of the Commission permission to proceed in having a new mylar drawn up of the proposed roads to be retained by Emery County. They indicated that an Ordinance is necessary for Commission action to consider the same. Included would be a method by which future roads could be added to or deleted from the road system.

Deputy Attorney, Steven Killpack further discussed with the Commission the proposals which he has reviewed and solicited direction from them. After further discussion, it was the consensus of the Commission that the Road Department be authorized to continue to develop the criteria on the roads and proceed in the present direction and bring them back to the Commission for further consideration at a later time.

#### (8) GREEN RIVER EAST BOUNDARY

Sheriff, Lamar Guymon advised the Commission that many residents in Green River have approached him about moving the East Boundary of Emery County to include the boundaries of Green River City. He indicated they have solicited help in drafting a petition which would be presented to the residents. Other possibilities were discussed by the Commission, however, no action was taken.

#### (9) ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:13 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:40 p.m. Commission Chairman Clyde Thompson was excused to attend other County business.

#### (10) SUSAN HUNTINGTON AND DELENA FISH - SOCIAL SERVICES WORK PROGRAMS

Delena Fish together with Susan Huntington came before the Commission to discuss the Emergency Work Program and the W.E.A.T. program as offered through Social Services. They indicated that they have many applicants and recipients which are required to do a certain amount of community work as well as job hunting. In the past, the County has used individuals in maintenance occupations, such as found in the road department. It was their request that other County departments and agencies use these individuals in other types of jobs rather than just maintenance. They asked for Commission cooperation and approval to allow them to meet with those agencies to explain the program. They noted that the County would only provide a supervisor and supervise the training.

Whereupon, the Commission commended Delena Fish and Susan Huntington for the program and the fine workers that the County has received in the past. The Commission suggested that they meet with the departments and agencies individually and explain the program. The Commission further went on record in support of the program.

#### (11) COURTHOUSE BUILDING - NON-SMOKING

Brought to the Commission's attention was a visit by Jim Adamson, Registered Sanitarian, who has advised the Commission of the need to bring the Courthouse into compliance with the Utah Clean Air Act. The Act prohibits smoking in public buildings, except in designated areas. Mr. Adamson indicated that those areas previously designated do not meet the guidelines. Therefore, it was his request that the Commission take necessary steps in designating and enforcing the guidelines. Whereupon, motion was made by Commissioner Duane Collard to designate the entire building as non-smoking in order to be in compliance with State guidelines and as advised by Mr. Adamson. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. This is to become effective immediately.

#### (12) SOLID WASTE MANAGEMENT SEMINAR

Emery County Commissioner Jerry Mangum reviewed with those present the need to attend the Solid Waste Management for Utah Communities Seminar to be held Thursday, March 1, 1990, in Salt Lake City. It was his recommendation that he, the present landfill manager Ron Barney and a representative from the Road Department be authorized to attend that meeting. Wherein, it was the consensus of the Commission that it would be advantageous for each of the groups to be represented there and approved the same.

(13) NURSING HOME VAN

Commissioner Jerry Mangum indicated that he has received an application wherein the Emery County Nursing Home can apply for a van under a government subsidy. The cost to the Nursing Home or County would be only 20%. It was the consensus of the Commission that they proceed with the application as has been the policy in the past.

(14) MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:15 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

ATTEST

CHAIRMAN

ComMin2-21-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

February 21, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1) COMMISSIONERS MINUTES

The minutes of the February 7, 1990, Commission meeting were reviewed. Motion was made by Commissioner Jerry Mangum to accept the minutes with the addition and note that Commission Chairman Clyde Thompson was excused after lunch to attend other County business. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #900276 through and including #900447 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
10	Pack set and scanner - Attorney	1457.95	Approved
11	Training videos - Sheriff	345.00	Approved
12	Three Pistols & Holsters - Sheriff	1430.85	Approved
13	Seven 1990 Ramchargers - Sheriff	108,710.00	Approved

Auditor's business, cont. . . .

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all requisitions for purchase. Motion was approved by all members present.

(3) PERSONNEL ITEMS

Personnel Manager, Karen Truman, presented the following personnel items for Commission consideration:

A) Green River Librarian - Presented to the Commission was a personnel action form for Barbara Quist to be hired as a part-time Green River Librarian, working up to 20 hours per week at the rate of \$5.00 per hour. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for Barbara Guest as presented. Motion was approved by all members present. Effective date is February 16, 1990.

B) Road Department - Presented to the Commission were two Personnel Requisitions, one for the filling of a nine-month position at the rate of \$8.00 per hour and a five-month position at the rate of \$8.00 per hour. Road Superintendent Rex Funk recommended the hiring of Harry Lee Medford in the nine-month position and Wayne Maxfield in the five-month position, with effective dates of February 26 and March 1, 1990. Motion was made by Commissioner Duane Collard to approve the requisitions and hiring of Harry Lee Medford and Wayne Maxfield as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### (4) SAN RAFAEL AND GREEN RIVER RESOURCE CONSERVATION AND DEVELOPMENT DISTRICT -BOARD MEMBER APPOINTMENT

Commission Chairman Clyde Thompson advised the Commission that the San Rafael and Green River Soil Conservation District has received a federal grant which the Emery County Commission supported in their Commission action on December 6, 1989. At that time, Mr. Ron Hagar and Howard Silliman came before the Commission. Commissioner Thompson recommended that Commissioner Duane Collard be appointed to that Board. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to appoint Commissioner Duane Collard to that Board. Motion was approved by all members present.

#### (5) EMERY COUNTY SPECIAL SERVICE DISTRICT #1 BOARD APPOINTMENT - LEON THAYNE

Commission Chairman Clyde Thompson advised the Commission of the need to appoint a Board Member to replace Ben Coomer who's term expired on December 31, 1989, noting that he also has moved out of the district boundaries. It was the recommendation of the Commission that Leon Thayne be considered for this appointment. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to appoint Leon Thayne from the Green River area to the Emery County Special Service District #1 Board for two years effective January 1, 1990. Motion was approved by all members present.

#### (6) U.S. FOREST AND SNOTEL REPORT

Mr. Ira Hatch and John Niebergall of the U.S. Forest Service came before the

Commission to report on the conditions on the forest and included the Snotel snow report. Mr. Niebergall reported that letters would be sent out from both offices in regards to Livestock grazing on the Forest, noting that the permittees will receive some reduction whether it is in the total number of animals allowed to graze or whether for a shorter period of time. He indicated that this would be worked out with each individual permittee so as to best accommodate their needs. He further noted that the problem is that presently there is low soil moisture, extreme stress on the plants because of low moisture received last year. The exact determination by Mr. Hatch and Mr. Niebergall would be made by April 10, noting that the peak receipt time for moisture is up to April 1.

Commissioner Duane Collard inquired if any adjustments had been made in the number of big game animals. Wherein Mr. Hatch responded in that they have recommended to the Big Game Board that there be an increase in the antlerless elk permits of approximately 1,300 animals in addition to those open bull permits. They have also recommended special deer hunts on the lower Manti Agricultural area where feed has become even more critical.

Mr. Niebergall gave the Snotel report for the areas as of February 20, 1990. Those most nearly reflecting our area would be Dill's Camp on the muddy where the average is 9.7" and currently there is 7.2" of water for a 74% of average. In Buck Flats it is 12.3" as the average and currently there is 8.0" or 65% of average. In Red Pine Ridge it is 13.2" average and currently there is 10.8" for an 82% of average. Seely Creek Ranger Station is 11.6" average and currently there is 8.5" for 73% of average. Mammoth Cottonwood average is 16.5" and currently there is 13.3" for an 81% of average.

Mr. Niebergall further indicated that the average has increased upward by approximately 10 to 15% and that we still need storms up through April 1 which is the peak time.

Forest Service, cont. . . .

Mr. Niebergall reported that the Ferron Reservoir would not be drained this year, but would be drained in the Summer of 1991 for repair work in the year 1992. Therefore, he has been advised that the Reservoir will not be stocked with fingerlings but will be stocked with catchables this year.

Mr. Niebergall reported that they have reviewed the sediment in the Seely Creek and Joe's Valley area with the National Guard. Because of snow on the ground, they were unable to make an indepth investigation, but it appeared that it was much too big of a project for the National Guard. However, they did agree that work would be done on the boat ramp and they may be back to the Commission to solicit the use of a dump truck for hauling away the excavated material. He



further reported that use of Joe's Valley has gone up to about 80% from people along the Wasatch Front.

Commission Chairman Clyde Thompson reviewed with Mr. Niebergall and Mr. Hatch the research and development lab to be located on Horn Mountain under a defense department contract, wherein they would do research with radar for approximately three weeks in September and have aircraft flying in the area. Mr. Niebergall is getting clarification that there will be no interference to present communication equipment located on Horn Mountain. Also discussed with Mr. Hatch and Mr. Niebergall was the forest travel plans.

Concern was expressed on the closing of roads to off-highway vehicles. It was noted that previous policy on the forests in our area was that all roads were open to off-road vehicles, except those designated as closed. Throughout the State, typically and with other governmental agencies, it is the reverse, or all roads are closed to off-highway vehicles except those designated as open. Mr. Hatch and Mr. Niebergall recommended that the public get involved and give their recommendations in upcoming hearings in regards to travel plans on the forest boundaries.

#### (7) COUNTY SNOW REMOVAL POLICY

Road Superintendent Rex Funk discussed with the Commission the need to establish a County snow removal policy, wherein it would stipulate the priorities of the Road Department and the conditions of the snow removal, including emergency recommendations. He noted that this is required because of the present torque liabilities. He further noted that there presently exists a policy, but there is need at the present time to establish an official one.

The purpose of the policy is to set up guidelines for snow removal maintenance on County roads and highways. This policy is to replace all prior policies, but does not replace or modify any existing ordinances for parking control. It was noted that the timing of the storm will influence the snow removal procedure wherein the Emery County Road Department will endeavor to maintain safe traction for pedestrians and vehicles properly equipped for winter driving

Snow removal policy, cont. . . .

conditions. However, this does not mean that dry pavement can always be accomplished after each snow fall or ice storm.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the snow removal policy of the Emery County Road Department as recommended. Motion was seconded by Commissioner Duane Collard and approved by all members present.

#### (8) ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 11:56 a.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:25 p.m. with all members present.

#### (9) RUSSELL JENSEN - DESERT ROAD IMPROVEMENTS

Mr. Russell Jensen who resides in the Buck Horn area inquired of the Commission as to progress being made in the realignment of the road which presently passes through his personal property and presents safety problems in that area.

Commissioners Thompson and Mangum advised Mr. Jensen that with changes in the BLM office, that the application and permitting process for the realignment has been somewhat slowed down, but it is still proceeding ahead.

Mr. Jensen further advised the Commission that he has gravel on his property which could be used by the County at no cost for the improvements. Agreed by all was the benefit of moving the road as part of the realignment, noting that the future Gypsum project in the area is being watched so as to determine additional modifications required to the road and the possible realignment.

#### (10) CASTLE VALLEY SPECIAL SERVICE DISTRICT - WATER LINE EASEMENT

Deputy Attorney, Steven Killpack reviewed with the Commission the need to provide the Castle Valley Special Service District an easement across property which the County now owns. The County has acquired the property through a tax sale which was originally a subdivision plat under the Lasal Estates in Ferron. It has further been recommended to the Commission that they abandon the subdivision.

Whereupon, recommendation was made by Commissioner Collard that Deputy Attorney, Steven Killpack follow through and have the subdivision vacated and provide the easement across the property for the Castle Valley Special Service District. Whereupon, after further discussion, motion was made by Commissioner Water line easement, cont. . . .

Duane Collard to authorize Deputy Attorney, Steven Killpack to prepare the necessary paper work to vacate the subdivision being discussed and grant an easement across the present property for installation of a water line by the Castle Valley Special Service District. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

#### (11) OTHER BUSINESS

Deputy Attorney, Steven Killpack briefly reviewed the following matters with the Commission:

A) He noted that he is again corresponding by letter to U.S. West Communications wherein he would invite Mr. Jensen to meet with the Emery County Commission as well as review the surcharge effective date.

B) Mr. Killpack further reviewed the on-going problem with the Emery County Nursing Home and the Hill-Burton qualifications. He noted that it has come down to an understanding that the managers will refund back to Emery County approximately \$25,000 as a straw transaction which initially appeared as a profit, although Emery County has subsidized the operation far in excess of that amount. After the Hill-Burton has been extended through the year 1987 and the guidelines have been met, those monies could be returned back to the management corporation. He further advised that the management company has reviewed this with other legal counsels and has concurred. Mr. Killpack pointed out that it was his purpose in meeting this day to bring it to the Commission's attention as it will need future Commission consideration.

#### (12) UNIFORM BUILDING CODE ADOPTION

Commissioner Jerry Mangum advised those present that he presently serves on the Board of Building Officials wherein he is receiving a lot of pressure for Emery County to adopt the Uniform Building Code. Therefore, he requested that Emery County Deputy Attorney Steven Killpack investigate further into that to see what needs to be done.

#### (13) BEAR CANYON CAMPGROUND - GIRLS CAMP

Clerk, Bruce Funk advised the Commission that the Sandy Stake has requested the use of the Bear Canyon Campground and facilities this year and have inquired as to what the cost would be. Last year they paid Emery County \$500 for the use of the site for four days. They conducted themselves well. Since making reservations again this year, Mr. Funk inquired if there would be any additional costs for the use. Whereupon, it was the consensus of the Commission that the rate be the same as last year.

#### (14) MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:38 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

March 7, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the February 21, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was approved by all members present.

(2)

RESOLUTION 3-7-90A - RESOLUTION IN SUPPORT OF SOUTHEASTERN UTAH ECONOMIC DEVELOPMENT DISTRICT ACTIVITIES

Commission Chairman Clyde Thompson presented to the Commission for their consideration Resolution 3-7-90A which is a Resolution in support of the Southeastern Utah Economic Development District Activities. Wherein, Emery County will continue its support of economic development activities of the Southeastern Utah Economic Development District during the fiscal year 1990. Motion to approve the Resolution was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)

E-911 EMERGENCY TELEPHONE SERVICE-BILL JENSEN OF U.S. WEST

Mr. Bill Jensen of U.S. West came before the Commission to discuss the E-911 and present 911 system in Huntington. Also present from Emery County Farmers

Union Telephone were Administrator Keith Ware and Board Member Wesley Curtis. Mr. Jensen advised the Commission that he has been working closely with Mr. Keith Ware and Steven Killpack, Deputy County Attorney. Mr. Jensen informed the Commission that it appears there has been a lot of misinformation, noting this involvement in the 911 program is a dynamic situation. It was also confirmed to Mr. Jensen that Sheriff Guymon is the appointed contact on the County level.

E-911 Emergency Service, cont. . . .

Mr. Jensen further summarized U.S. West's activities and proposals in Utah in regards to the 911 and E-911 services. He pointed out that the enhanced E-911 emergency service is the state of the art and is more expensive because of a larger data base, required networking and a great deal of base expense which in the past has somewhat priced out rural counties. He indicated that with the installation of the 911 service in the Huntington area, U.S. West policy is to use dedicated lines for this service to the customer. He also indicated that during the holidays there would be a concern of possible blocking due to busy exchanges. Therefore, they were not desirous to use the non-dedicated EAS trunking line as previously discussed. He went on to advise that the \$587.91 received by Emery County from U.S. West was a result of their January 1990 collection of the .50 cent per month surcharge which is based on the active users in Huntington and Green River less those bad debt costs having been deducted.

He further informed the Commission that collections for November were impossible and that because of billing errors in December that the .50 cent surcharge was not implemented at those times. It appeared that there would only be a one-time cost of approximately \$1200 plus a monthly charge of \$200 per month for the present 911 service as presently installed in Huntington.

Mr. Jensen provided estimated cost and revenues for Green River and Huntington. There are 438 main stations in Green River and 766 in Huntington for a total of 1,204 stations, with the surcharge of \$.50 per month, this will generate a monthly revenue of \$602. The projected monthly costs charged by U.S. West would be based on the nearest hundred stations or 1,300 at the rate of .25 cents per line or an expenditure for the present 911 service of \$200 per month and the eventual E-911 service of \$301 per month. It was pointed out that the Green River number was based on Green River City boundaries. The Commission will revise their Intergovernmental Agreement with Grand County to include this service.

Mr. Jensen further indicated that the E-911 service would be approximately 12 months away, allowing them time to install the necessary equipment, provide the data base, etc., as required.

Mr. Ware pointed out that Emery County is presently upgrading the central exchange office to handle the E-911 service with Cleveland and Ferron, being cut over now and the others to follow very soon. He indicated the telephone company can be ready as soon as the Sheriff has the necessary equipment installed and ready to go.

Deputy County Attorney, Steven Killpack reviewed with Mr. Jensen the costs involved to assure that all present had a good understanding as to what the present and future costs would be. He further questioned Mr. Jensen as to where the E-911 data would be stored. Mr. Jensen responded in that the raw data would be provided to Emery County Telephone to be installed in the Castle

E-911 Emergency Service, cont. . . .

Dale exchange and would include any future updates. U. S. West can prepare a contract to bring back to the Commission on the providing of the E-911 service to Huntington and Green River so that U.S. West may begin the process of building the database, network, etc., necessary. The Emery County Commission agreed and asked Mr. Jensen to provide a contract for Commission consideration.

(3)

#### EMERY COUNTY EMT'S

Mr. Richard Childs, speaking in behalf of several members of the Emery County EMT association came before the Commission to discuss the problems they are encountering as self-employed individuals contracting with the County in providing emergency personnel. It was noted that they are required to pay the full amount of the FICA taxes and they are required to complete an additional tax form as self-employed individuals. He pointed out that at one time they had been considered as County employees. They are presently covered by County liability and workmans compensation. It was their desire to be recognized as County employees.

Commission Chairman Clyde Thompson pointed out that adding them would increase the number of County employees and would force Emery County to go under the State personnel policies and asked for clarification from Auditor, Karen Truman. She indicated the only reason the EMT's presently are on the payroll is because of the need to provide liability and workman's compensation on them. She further indicated that they have never been classified as employees and that it would create a great increase in the number of employees in the personnel files, noting that many of them are on an inactive status. She informed the Commission that there presently appears to be 70 active EMT's with only 34 having been paid over \$600 for the year, requiring a form 1099, 20 made \$1,000.

Mr. Childs indicated that he received \$2,000. Commissioner Duane Collard indicated that the Commission would possibly look at ways of offsetting the loss of the county's share of the FICA to the EMT's. He further pointed out that the Commission has been picking up many costs including travel which in previous years had been personally born by those receiving the training.

EMT Valerie Thompson of Ferron, pointed out that she resents having to pay an additional \$15.00 for a tax form because of a classification of self-employed. Emery County Auditor Karen Truman suggested that any income be put under "other" income on their regular tax form and emphasized that they are strictly a paid volunteer.

The Commission expressed appreciation to the EMT's for the job which they do, noting that they have not had any complaints and that they have an outstanding record. It was the consensus of the Commission that Commissioner Duane Collard meet with them and discuss this matter further.

(4)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #900499 through and including #900718 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment with the exception of warrant #900561 for the Road Department for a personnel manual, noting that these matters are best referred to the Auditor's office. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
14	Mita DC Copier - Central Purchasing	8,042.00	Approved
15	Makita Cordless Drill - Sheriff	191.00	Approved
16	New Mail Machine - Central Purchasing	2,970.00	Approved

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all warrants for purchase. Motion was approved by all members present.

(5)

#### PERSONNEL ITEMS

Emery County Auditor, Karen Truman presented to the Commission for their consideration the following personnel actions:

A) Sheriff's Department - John Brent Spinney - Reclassification - Presented was the Personnel Action Form for John Brent Spinney to be reclassified from a Jailer at a Grade 9, Step 1 having completed POST to that of a Patrol Deputy I at a Grade 11, Step 1 or a salary of \$1800 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the reclassification of John Brent Spinney as presented. Motion was approved by all members present. Effective date is March 1, 1990.

B) Sheriff's Department - James Lee Fielder - Reclassification - Presented was the Personnel Action Form for James Lee Fielder to be reclassified from a Jailer at a Grade 9, Step 1 having completed POST to that of a Patrol Deputy I at a Grade 11, Step 1 or a salary of \$1800 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the reclassification of James Lee Fielder as presented. Motion was approved by all members present. Effective date is March 1, 1990.

(6)

#### EMERY COUNTY NURSING HOME - 1989 SHORTFALL - CAPITAL IMPROVEMENTS

Emery County Nursing Home Administrator, John Bramall, together with Randy Kirton of Heritage Management, came before the Commission. Mr. Bramall informed the Commission of the management agreement, wherein he is required to come before the Commission between 120 and 180 days and give a report of the progress of the Nursing Home. He presented to the Commission preliminary data, noting that in 1989 they went to a cash management system recording about a \$10,588.64 loss for December. This makes a year-to-date loss of \$22,980.54, with approximately \$4,400 receivable from Medicare and over \$6,600 in capital expenditures completed last year. He further pointed out that he has had positive feed back and comments in regards to the renovation and expressed appreciation to the Commission for their support in making those needed repairs. His purpose in coming before the Commission was to present a Warrant for the \$22,980.54, noting that he did not anticipate additional funding.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the payment of the Warrant to the Emery County Nursing Home in the amount of \$22,980.54. Motion was seconded by Commissioner Duane Collard and approved by all members present.



(7)

EMERY COUNTY NURSING HOME - HILL-BURTON OBLIGATION -  
RESOLUTION 3-7-90B

Deputy County Attorney, Steven Killpack, together with Randy Kirton of Heritage Management, discussed with the Commission the progress being made in resolving the problems with the Nursing Home and the Hill Burton regulations. Presented to the Commission for their consideration was Resolution 3-7-90B. Wherein the Resolution extends the time period for the Hill-Burton obligation at the Emery County Nursing Home in order to comply with the Hill-Burton regulations as administered by the U.S. Department of Health and Human Services from June 29, 1987, through July 27, 1989.

Whereupon, motion was made by Commissioner Duane Collard to accept and approve Resolution 3-7-90B extending the obligation of the Hill-Burton regulations from June 29, 1987, through July 27, 1989. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Further discussed with the Commission by Mr. Killpack and Mr. Kirton was the concern of the demands made by the Department of Health and Human Services. They questioned the process in which the U. S. Department of Health and Human Services had requested them to proceed in order to resolve the matter. Wherein the management company would return to Emery County a set amount of dollars which were originally designated as profit and that at some later, pre-determined time and after Emery County has completed their obligation to the Hill-Burton audit, those funds would be returned. To both it seemed as a technically irregularity in order to accomplish the task. Mr, Kirton pointed out that they have gone through unusual and extreme means in order to resolve the matter.

(8)

ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:12 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1:28 p.m. with all members present.

(9)

ANIMAL CONTROL ORDINANCE

Commissioner Duane Collard presented to the Commission copies of the recently

revised Animal Control Ordinance for their review. He suggested that the Commission take two weeks to review the Ordinance and that at the next Commission meeting decide whether to proceed with a 30 day public comment period. He further pointed out that he has gone through both the old and new Ordinance and has found a lot of good things in the new and some of the more questionable ones have been removed.

Mr. Stan Nielsen indicated that he was comfortable with the changes made by Commissioner Collard. His concern was in getting an Ordinance in place which provides for biting dogs. Therefore, this item would be considered at the next Commission meeting for further action.

(10)

#### DRIVERS LICENSE

Emery County Clerk, Bruce Funk informed the Commission that Mr. Niels Nielson has recently been put over this East District of the Utah Department of Public Safety. Recently he has visited, indicating that effective April 1, 1990, driver's license people which have normally been in the courthouse every Thursday, will only be here on the first and third Thursday of each month. This is due to higher demands placed on the staff due to the special requirements in obtaining chauffeur licenses as well as the need to put the work done in Emery County on their computer in Carbon County. It was further pointed out that the computer available in the Emery County tax office in the courthouse is compatible.

After further discussion, it was the consensus of the Commission that they direct the Clerk to correspond with Mr. Nielson, advising him of their objection and request his attendance at a Commission meeting in the future.

(11)

#### BOY SCOUT FOOD DRIVE

Commissioner Duane Collard, having received a letter from Maughn Guymon, Coordinator of the Southeastern Utah CSBG, noted that the Emery County Boy Scout food drive contributed 6,939 items which were then placed in the Carbon Food bank. He noted that in the four-month period since that donation, over 9,260 food items have been distributed from that bank to Emery County families who are low income and in desperate need of this type of assistance.

Mr. Guymon further pointed out that Emery County residents have direct access to these resources by picking them up at the site or by written request with someone who is going to Price and could pick them up for them. It was the consensus of the Commission that the residents of Emery County have benefitted

greatly from that combined facility and have expressed appreciation to those involved.

(12)

#### ROAD DEPARTMENT EQUIPMENT EXCHANGE

Commissioner Jerry Mangum on behalf of Road Superintendent Rex Funk requested authorization to exchange a CAT 1968 grader, model 120, VIN #89G293 with a value of \$12,000 and an older tractor for a John Deere 3,000 tractor at Scott Equipment. This would be a direct trade across and there would be no exchange of money. Whereupon, it was the consensus of the Commission to authorize and proceed with that exchange.

Other items discussed by Commissioner Mangum were the San Rafael Bridge, noting that Johansen and Tuttle Engineering did not meet the deadline and are presently on a two-week delay, but are proceeding ahead. Discussed was the landfill management in light of the new regulations. No action was taken.

(13)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:28 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin3-21-90

#### MINUTES OF THE REGULAR MEETING

#### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

#### HELD IN THE EMERY COUNTY COURTHOUSE

March 21, 1990

Those present at the meeting were Commissioners Clyde Thompson and Jerry Mangum, County Attorney, Scott Johansen and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00

a.m. and excused Commissioner Duane Collard who is out of town on County business.

Invocation was given by County Attorney, Scott Johansen.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the March 7, 1990, Commission meeting were reviewed. Motion was made by Commissioner Jerry Mangum to accept the minutes as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

#### COLLEGE OF EASTERN UTAH EQUIPMENT REQUEST

Mr. Carl Kraync and Richard Robinson came before the Commission on behalf of the College of Eastern Utah. They informed the Commission that they are sponsoring a truck and equipment driving program and asked for assistance in Emery County donating a used 10-wheel dump truck and a Peterbilt Tractor belonging to the County Road Department. They further emphasized that one-third of the graduating students are from Emery County and as a result would benefit residents of Emery County.

Upon the request of the Commission, Road Superintendent Rex Funk informed them that the value of the dump truck was between \$10,000 to \$11,000 and the Peterbilt Tractor had an approximate value of \$5,000. It was the consensus of the Commission that the value in the dump truck was sufficient that Emery County should consider disposing of it by trade-in on other equipment or in accordance with the Emery County disposal policy. However, they indicated that they would keep the request in mind, but that no action would be taken in regards to the pieces of equipment being requested.

(3)

#### AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented Warrant Edit List #900719 through and including #900863 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
20	Two Radios - Weed & Mosquito	1,200.00	Approved
21	Five Sirens, Seven of each of the following: Siren Speakers, Strob Light Bar, Flashers, Control Switches, Map Light, Spot Light - Sheriff	6,966.00	Approved
22	GE 16-Channel Radio - Sheriff	5,425.00	Approved

Motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)

PERSONNEL ITEMS

Emery County Deputy Auditor, Lorna Davis, presented the following Personnel Action Forms for Commission consideration:

A) Road Department-Randy Menser-Reclassification - Presented was the Personnel Action Form for Randy Menser of the Road Department who has voluntarily requested a reclassified from a Crew Leader at a Grade 13, Step 5 or a salary of \$2,181.00 per month to that of an Operator II at a Grade 11, Step 6 or a salary of \$2,028.00 per month. Whereupon, motion was made by Commissioner Jerry Mangum to approve the reclassification of Randy Menser as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. Effective date is April 1, 1990.

Personnel Items, cont. . . .

B) Road Department-Ray Peterson-Reclassification - Presented was the Personnel Action Form for Ray Peterson of the Road Department to be reclassified from an Operator II at a Grade 11, Step 2 or a salary of \$1,783.00 per month to that of a Crusher Crew Leader at a Grade 13, Step 4 or a salary of \$2,112.00 per month which is a six-month probationary rate. Motion was made by Commissioner Jerry Mangum to approve the reclassification of Ray Peterson as presented. Motion

was seconded by Commission Chairman Clyde Thompson and approved by all members present. Effective date is April 1, 1990.

C) Sheriff's Department-Michael Jorgensen and Guy C. Webster - Emery County Sheriff Lamar Guymon presented the following Personnel Action Forms:

1) Michael Jorgensen of Orangeville, Utah, to be hired as a Dispatcher at a Grade 9, Step 1 or a salary of \$1,622.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the hiring of Michael Jorgensen as presented. Motion was approved by all members present. Effective date is April 1, 1990.

2) Guy C. Webster, of Castle Dale, Utah, to be hired as a Dispatcher at a Grade 9, Step 1 or a salary of \$1,622.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the hiring of Guy C. Webster as presented. Motion was approved by all members present. Effective date is March 24, 1990.

(4)

#### ROAD DEPARTMENT BUSINESS

A) Fuel - Road Superintendent Rex Funk presented to the Commission for their consideration fuel quotes as follows for delivery of regular grade gasoline or diesel fuel to the Emery County Road Department at the Green River and Castle Dale locations. These costs would be in addition to the rack price for the fuel. Received were the bids from Castle Valley Co-Op in Huntington who would charge \$0.0175 over the rack price for delivery of diesel fuel and the same for delivery of gasoline fuel to both the Castle Dale and Green River locations; Pierce Oil Company who would charge \$.041 over the rack price for delivery of diesel and gasoline fuel to Green River and \$.029 over the rack price for delivery of diesel and gasoline fuel to the Castle Dale area; Rhinehart Oil gave no response to the request.

Whereupon, motion was made by Commissioner Jerry Mangum to recognize and accept the quote from Castle Valley Co-Op for delivery of the gas and diesel fuels both at a price of \$.0175 over the rack price for the fuel in both the Green River and Castle Dale areas. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

Road Department Business, cont. . . .

B) Filter Quotes - Road Superintendent Rex Funk presented to the Commission a list of those companies contacted for the annual Road Department filter

purchases. Those submitting bids were Wards 4X4; Genco Mine Service; J & D Automotive made no response or declined to quote and Jack's Motors also declined. Whereupon, after review of the submittals, motion was made by Commissioner Jerry Mangum to recognize Wards 4X4 as the apparent low bidder for the purchase of various filters for the Emery County Road Department. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

C) Huntington-Lawrence Road Project - Craig Johansen of Johansen and Tuttle Engineering together with Road Superintendent Rex Funk presented the bid abstract for the Huntington-Lawrence road project. The bid opening was held March 20, 1990. Wherein, Nielson construction was the apparent low bidder with a bid of \$78,115. Other bids received were from Condie Construction for \$79,428.56; Sinbad Construction for \$88,890.75; Siaperas Construction for \$97,400.00; and W.W. Clyde Construction for \$115,886.00. It was noted that the engineers estimate for the project was \$84,000.

Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to accept and award the bid to Nielsen Construction as the apparent low bidder with signing of the Notice of Award with an effective construction starting date of April 1, 1990, on the project. Motion was approved by all members present.

D) Utah Power and Light Road Encroachment Bond - Mr. Gene Hess of Utah Power and Light came before the Commission requesting that the County allow Utah Power and Light to drop the Road Encroachment Bond. He noted that UP&L is a reputable company and have established a track record of taking care of those responsibilities on any damage in which they have caused. He further pointed out that any additional costs placed on UP&L is an additional cost to the rate payer. It is felt that this is unnecessary and that care of any problem is part of their operating program. He noted further that he has discussed this with County Attorney, Scott Johansen. Mr. Johansen responded in that he felt the County Encroachment Ordinances is broad enough to accommodate such requests on an individual basis and allowed it to be left up to the road supervisor.

It was the consensus of the Commission that this matter would be given further consideration if Mr. Hess, on behalf of Utah Power and Light, would submit a letter to comply with the Road Encroachment Ordinance and therein promise to make good any damage which they may cause.

(5)  
DRIVER'S LICENSE EXAMINER'S SCHEDULE

Commission Chairman Clyde Thompson advised those present that he had received a

letter from Niels Nielson of the Department of Public Safety, Driver's License Division, wherein they would proceed with the proposed schedule for the driver's license examiners in Castle Dale on the second and fourth Friday of each month.

It was the consensus of those present that a request be made to the Department of Public Safety to appear before the Commission if at all possible. It was further recommended that the Commission go on record as still being in opposition to the matter.

(6)  
ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:00 noon was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:00 p.m. with all members present.

(7)  
RON GIBB - AGREEMENT FOR DEFERRAL OF TAXES

Presented to the Commission for their consideration by Emery County Treasurer Elaine Wilson was a request on behalf of Mr. Ron Gibb for a deferral of taxes. Whereupon, after discussion, motion was made by Commissioner Jerry Mangum to approve and accept a six-month agreement with Mr. Gibb wherein he will bring taxes on the properties located on Main Street in Huntington and another piece north and east of Huntington to current status within that time period and that the necessary agreements for deferral of taxes and other necessary paper work be signed in an expeditious manner. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. (This item was referred to the County Attorney's Office for handling the necessary paper work.)

(8)  
UTAH POWER AND LIGHT AGREEMENT - GREEN RIVER

Presented to the Commission for their consideration by Emery County Sheriff Lamar Guymon was the Security Area Lighting Agreement from Utah Power and Light. In the Agreement, UP&L would install a Security Light at the Sheriff's Sub Station located on 48 East Farrar Street in Green River, Utah, with a total monthly charge of \$10.31. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve and sign the agreement with Utah Power and Light therein furnishing a security light at the Green River Sub Station. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.



(9)

#### SHERIFF'S DEPARTMENT - LASER DISPATCH SYSTEM

Emery County Sheriff Lamar Guymon presented to the Commission an Agreement between Green River National Archive and Emery County. In the Agreement, Green River National Archive will provide to the Sheriff's Department the Laser Dispatch System which will provide a permanent storage of incoming calls whether by telephone, radio, scanners, or any other sound media, as well as a full-time recording of all such incoming calls as outlined in the Agreement. The initial cost to Emery County is \$25,000 with a balance of \$35,000 to be paid in yearly installments at the option of Emery County, but not to exceed five years. Whereupon, motion was made by Commission Chairman Clyde Thompson and seconded by Commissioner Jerry Mangum to approve and sign the agreement as presented. Motion was approved by all members present.

(10)

#### FIRE TRUCK REPLACEMENT

Emery County Sheriff Lamar Guymon requested permission of those Commissioners present to replace the mini pumper trucks in Cleveland, Huntington, Castle Dale, Orangeville and Ferron as well as adding new pumper trucks to Emery and Elmo. Also requested was a large pumper truck for Castle Dale. He further indicated that the best of the pumper trucks would be kept and others would possibly be used in the Weed and Mosquito Department and other localities. The estimated cost of the purchase would be approximately \$500,000 with annual payments of about \$68,000 per year. The Commission requested that the Sheriff meet further with County Attorney Scott Johansen to see if this would conflict with the present Tax Anticipation Notes. However, it was the overall consensus of the Commission that he proceed in securing bids at this time.

(11)

#### GYPSUM MINING OPERATION

Mr. Dan Fish, together with Economic Development Director Bryant Anderson came before the Commission. Mr. Fish outlined the current status of the Gypsum Mill being constructed on the north end of Huntington as well as the plans for mining and processing Gypsum. He further discussed with the Commission their commitment to work with the County in making the necessary improvements on the roads to the mine location. The Commission expressed appreciation to Mr. Fish for coming and advising them of the current plans of the company. They wished them success and look forward to meeting further with them in resolving the concerns in regards to the roads.

(12)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 1:40 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin4-4-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

April 4, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce Funk

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the March 21, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to accept the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

WEED AND MOSQUITO DEPARTMENT - FUND TRANSFER

Emery County Weed and Mosquito Supervisor James Nielsen, came before the Commission requesting that funds received from the Interlocal Agreement with Grand County for treatment of mosquitos be transferred to his department to allow him to purchase chemicals. He noted that in the past, Grand County has paid the chemical supplier directly. However, this year those funds were sent to Emery County and placed in the Emery County General Fund in the amount of \$1,820.00.

Whereupon, motion was made by Commissioner Duane Collard to authorize Weed and Mosquito Supervisor James Nielsen to purchase the necessary chemicals. Motion was further made that when the budgets are opened, those monies would be transferred both in the Revenue and Expenditure line items under his budget. This would be the same for other agencies in which the Weed and Mosquito Department is under contract to provide service in that it requires additional work, labor and chemicals for treating the weeds and/or mosquitos.

Mr. Nielsen further pointed out that the BLM has cut nearly \$1,000 from their contributions to the Emery County Weed and Mosquito Department for treatment of noxious weeds on BLM property. Discussed by the Commission was the possibility

Weed & Mosquito, cont. . . .

of reducing the service provided there. However, Mr. Nielsen felt that the County could not afford not to spray, in that the weeds would spread to adjoining properties. Therefore, it was the consensus of the Commission that this matter be discussed in the meeting with the BLM next week.

Also discussed with Mr. Nielsen was the request by Howard Silliman on behalf of property owners along some of the Green River canals requesting that spraying be done there to control the weeds.

Commissioner Mangum pointed out that the road has now been provided and it was understood that the County's policy in the past was that if roads were maintained, that spraying would be done in those locations.

(3)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #900879 through and including #901110 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

Req. #	Item and Description	Amount	Action
--------	----------------------	--------	--------

- |    |  |          |          |
|----|--|----------|----------|
| 23 | Software modules and<br>instalation - Assessor | 3,045.00 | Approved |
| 24 | Ambulance computer system -<br>Sheriff         | 389.95   | Approved |

Motion was made by Commissioner Jerry Mangum to approve the purchase of the items as so requested. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(4)

#### ROAD DEPARTMENT BULK FUEL CHARGES - CO-OP CANCELLATION

Commissioner Jerry Mangum advised those present that approved in the last Commission meeting was the fuel bid price wherein Co-Op in Huntington was the apparent low bidder. They have since cancelled their offer, indicating that they could not deliver the fuels at the prices indicated. Whereupon, motion was made by Commissioner Jerry Mangum to accept the quotation from Pierce Oil Company, wherein they would deliver gasoline and diesel fuel to Green River at a cost of \$.041 per gallon above the rack price at the distributor and to Castle Dale at the cost of \$.029 per gallon. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(5)

#### PERSONNEL ITEMS AND RESOLUTION 4-4-90A

Presented to the Commission were the following personnel actions:

A) Rick Leamaster-Sheriff's Department-Resignation - Presented was the Personnel Action Form for Rick Leamaster who is terminating his employment with the Emery County Sheriff's Department effective March 31, 1990. Motion was made by Commissioner Jerry Mangum to accept the termination of Rick Leamaster as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Loralie Platero-Clerk's Office-Resignation - Presented was the Separation Notice for Loralie Platero who is terminating her employment with the Emery County Clerk's Office effective April 30, 1990. Motion was made by Commissioner Jerry Mangum to accept the resignation of Loralie Platero as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

C) Personnel Requisition - Clerk's Office - Presented to the Commission was a Personnel Requisition to replace Loralie Platero in the Clerk's Office

effective May 1, 1990. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Requisition to replace Loralee Platero at a minimum of 20 hours per week effective May 1, 1990. Motion was approved by all members present.

D) Resolution 4-4-90A - Upgrading the Class Specification for a Deputy Clerk - County Auditor, Karen Truman presented to the Commission for their consideration Resolution 4-4-90A which authorizes the revision of the description for a Deputy Clerk, adding additional duties as well as deleting functions no longer done in the Clerk's office. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to adopt Resolution 4-4-90A as presented. Motion was approved by all members present.

(6)

#### ASSESSOR'S BUSINESS - RESOLUTION 4-4-90B

A) Resolution 4-4-90B-Chief Appraiser-Assessor's Office - County Auditor, Karen Truman presented to the Commission Resolution 4-4-90B which would add the office of a Chief Appraiser in the Assessor's Office. Wherein, one presently does not exist. This would be at a Grade 7. Whereupon, after further discussion by the Commission, it was the consensus that this be referred to the Emery County Assessor Jim Fauver for further review, noting that the Commission questioned the grade.

B) Presented to the Commission was the Personnel Action Form for Gayla Luke for an step increase from a Grade 5, Step 2 to a Grade 5, Step 3 and that of Janet Petersen from a Grade 5, Step 5 to a Grade 5, Step 6. It was the consensus of the Commission that this would be a merit increase and under the

Assessor's Business, cont. . . .

present policy would not be allowed at this time. However, it was the consensus of the Commission and assignment made to Commissioner Duane Collard that he form a committee to look into the overall evaluation of all County employees and that no action be taken in regards to this matter at this time.

(7)

#### MASTERCARD LIMITS RAISED

Discussed with the Commission was the possible need to raise the allowable limit on the MasterCards for elected officials. It was noted that they had complications in the recent meetings in Washington DC where Commissioner Collard and Auditor Karen Truman had exceeded the present limit. Therefore, it was the consensus of the Commission that the bank be contacted and that the limit be raised to a maximum of \$2,000.

(8)

## FOREST SERVICE VISIT

On behalf of the Forest Service, George Morris, the Forest Supervisor together with Ira Hatch, the District Ranger, and John Healey, the Ranger from Ferron, came before the Commission. Mr. Morris inquired of the Commission as to how the County and Forest Service are working together to better serve the public and where improvement is needed. Mr. Morris further went on to indicate that he believes in providing authority to local districts and rangers. However, he indicated that if things are not going right, he will welcome letters to him, advising him of any situation.

Mr. Ira Hatch gave to the Commission the latest Snotel report. He later responded that the Scofield and Spanish Fork area is 102%, in the Mammoth and Cottonwood it is 82%, Red Pine is 85%, Buck Flat is 68%, Pickle Keg is 67%, Seely Creek 53%, and Dills Camp is 52% of normal. He further indicated that because of low moisture, the Forest would work on a program of range protection and that this would result in reduction of use by livestock grazing.

Mr. John Healey pointed out that the temperatures are about one month early, which is the same as last year with last year having a considerable amount of wind. He anticipated a 10 to 25% cattle reduction and a 10 to 20% sheep reduction. He indicated they would work both on a time and allotment reduction and it appeared that there would be somewhere in the neighborhood of a 10% reduction in the number and 15% in the season time. He pointed out that the ground water is not being recharged and that foliage is severely hampered.

The Forest further indicated that they have been appreciative of the stockmen's willingness to cooperate, realizing the critical moisture conditions that presently exist. The Forest went on to point out that individual users of the forest would have to take extra steps to prevent damage and that the Forest Service would work with the stockmen. They further discussed the antlerless

Forest Service, cont. . . .

permits, wherein the Forest Service had requested a decrease in elk of approximately 1300. They have been advised that this number has been increased to 1600 antlerless permits being available to hunters this year.

In responding to inquiries as to what is happening on the boat ramp in the Joe's Valley area, the Commission was advised that as of this day, Bill Dye, the Forest Service is cleaning sediment off the boat ramp with just Forest equipment.

The Commission expressed appreciation for the Forest Service being in attendance and updating them as to current activities on the forest.

(9)

#### DRIVER'S LICENSE EXAMINER SCHEDULE CHANGE

Mr. Phil Himmelberger and Niels Nielsen, the Area Supervisor for the Driver's License Division, came before the Commission upon Commission request to discuss reasons why the Department of Public Safety was changing the Driver's license examiner's schedule from the current every Thursday, to the proposed second and fourth Friday. Mr. Niels Nielsen pointed out that the problem they have is that in Price they have a high day of 39 people and an average day of 22. Wherein, Emery County averages approximately 17 people per day, with a high of 29. Because of the increased load due to the Commercial Driver License, it was putting an increased demand on the Price office.

Mr. Phil Himmelberger pointed out that the main problem is that the legislature mandates programs, but does not provide the money to care for them. He indicated that had requested additional funding for staffing from the legislature this last year, but was denied. Therefore, they are working with the more critical areas and assuming more responsibility, yet with dwindling resources.

Commissioner Duane Collard pointed out that Emery County may have one-half the population of Carbon County, yet the Driver's License Examiners are there approximately fourteen to fifteen days per month and in Emery County four days per month. He further expressed concern over the economical impact of such a reduction in time spent in Emery County. He noted that this is the same as many State Agencies, that they typically cut services in the rural area.

The Commission gave to those present the services and population of towns receiving a more regular service than proposed. They pointed out that the population and other factors justify keeping the schedules at one day per week.

Mr. Nielsen responded that the need to cut back was not based on population studies. He felt that there is no problem in obtaining driver's licenses within the six-month period in that they would be in Emery County twelve times

Driver's License, cont. . . .

and that Driver's License would be unwilling to go back to the one day per week. Also pointed out by those present was that this would increase the line at Emery County.

Sharon Baker, from the Emery County Chamber of Commerce also pointed out that

the Chamber was opposed because of the loss of retail sales to the County. She inquired if sufficient increase in local support of the Castle Dale Office, would the driver's license reinstate the additional days back in the County on a regular basis. However, there was no commitment by those present.

After further discussion, it was the consensus of those present that because of convenience to the people, that the first, third and fifth Friday's be set as the days for the Driver's License Examiners in Emery County by all parties. The Driver's License Department will keep track of the number of Emery County residents traveling to Price for driver's licenses.

(10)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:45 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:43 p.m. with all members present.

(11)

#### CASTLE COUNTRY TRAVEL COUNSEL - VAUGHN WAYMAN - DIRECTOR APPOINTMENT

Mr. Dan Hunter introduced Mr. Vaughn Wayman, recently appointed Director of the Castle Country Travel Counsel. Mr. Wayman discussed the economic benefits of the travel counsel, noting that money is received from the transient room taxes and there are also State matching funds available. He noted that the response has been good from their advertising efforts. He further pointed out that there would be no Friendship Cruise this year because of lack of water.

Mr. Dan Hunter discussed the signing on the interstate. He indicated that the costs were excessive and is becoming bogged down. He pointed out that the State Department of Transportation has been cooperative, but the design required by the BLM would cost approximately \$250,000 per sign and the BLM indicated that they had no money.

Whereupon, after further discussion, motion was made by Commissioner Duane Collard to approve the appointment of Vaughn Wayman as Director of the Castle Country Travel Counsel. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(12)

#### APRIL 18 COMMISSION MEETING - CANCELLATION



Motion was made by Commissioner Jerry Mangum to cancel the Commission meeting of April 18, 1990, in that the Commissioners have to be in attendance and represent the County at other meetings in the State. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

(13)

#### INDIGENT BURIAL

Commission Chairman Clyde Thompson and Clerk, Bruce Funk advised the Commission of the recent need to bury an indigent. They noted that Emery County had committed \$500 to Fausett Mortuary and an additional \$100 for excavation and back filling of the grave site at their location and discretion. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the action and expenditure. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(14)

#### LANDFILL CONSULTING FIRM

Commissioner Jerry Mangum informed the Commission that he has checked around and asked that the Commission consider using a consulting firm to help plan the intended use and operation of the Emery County Landfill. Whereupon, Commission Chairman Clyde Thompson suggested that this item be tabled until later to allow the Commission to review this item this coming week in a conference in which he will be in attendance.

(15)

#### OTHER BUSINESS

A) Sam Clem - Sam Clem, representing Howard Nielsen, came before the Commission and reviewed several matters he is pursuing. He suggested that the Commission solicit help from Jake Garn's office in regards to the tunnels in the desert which the Commission has listed be filled or taken care of.

B) Consol Mine Lay-Off - Commission Chairman Clyde Thompson reviewed a letter he received from Consol, noting that they are having a plant closing effective May 31, 1990, for an anticipated time of 14 days. It was expected to be a temporary lay-off and would effect approximately 94 employees.

C) Mini-Pumpers - Commissioner Duane Collard advised that Deputy Attorney, Steven Killpack recommended that they not proceed with purchase of the mini pumper trucks as previously approved. It was indicated that it would exceed the legal limit and that this be given further consideration next year. He further advised that he has budgeted sufficient monies for one fire truck and would pursue that possibility when the pricing arrives. He further noted that they are also reapplying for grant monies for next year for ambulances as have been done this year.



minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #901263 through and including #901424 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission approval:

Req. #	Item and Description	Amount	Action
28	Panasonic Typewriter - Sheriff	1,465.00	Approved
29	Computer - Weed & Mosq.	1,704.00	Approved
30	Hard Drive - Commun.	489.00	Approved
31	Epson Computer & Printer - Auditor	3,095.00	Approved

Motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)

PERSONNEL ITEMS

Auditor, Karen Truman presented the following Personnel Items for Commission consideration:

A) Richard Larry Winn-Road Department-Seasonal - Presented was the Personnel Action Form for Richard Larry Winn to be hired as a Temporary Seasonal employee in the Road Department as an Operator for a five-month period to be paid at the rate of \$8.00 per hour. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form of Richard Larry Winn as presented. Motion was approved by all members present. Effective date is May 7, 1990.

B) Kirk Elliott-Road Department-Seasonal - Presented was the Personnel Action

Form for Kirk Elliott to be hired as a Temporary Seasonal employee in the Road Department as an Operator for a five-month period to be paid at the rate of \$8.00 per hour. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form of Kirk Elliott as presented. Motion was approved by all members present. Effective date is May 7, 1990.

C) Rawlin Daniels-Recreation Dept.-Seasonal - Presented was the Personnel Action Form for Rawlin Daniels to be hired as a Temporary Seasonal employee in the Recreation Department as a Caretaker at the Ball Complex in Huntington to be paid at the rate of \$5.00 per hour. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form of Rawlin Daniels as presented. Motion was approved by all members present. Effective date is April 23, 1990.

D) Tom Bell-Bear Canyon Campground Caretaker - Recommended for Personnel Action was Tom Bell to be rehired as the Bear Canyon Campground Caretaker to receive the same salary as last year as a Temporary Seasonal employee. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the hiring of Tom Bell as discussed. Motion was approved by all members present.

E) Carol Riddle-Assessor's Office-Reclassification - Presented was the Personnel Action Form for Carol Riddle of the Assessor's Office to be reclassified as a Chief Deputy Appraiser at a Grade 7, Step 1 or a salary of \$1,403 per month. Whereupon, the Commission inquired of County Assessor Jim Fauver as to why the need to create the new position. Mr. Fauver responded in that the person would be responsible for coordinating the staff in the Appraiser's Office, in the appraisal work and report back to himself.

Personnel Items, cont. . . .

The Commission questioned the need to create the position of a Chief Deputy Appraiser at a Grade 7. It was further discussed that the position would be better covered under the Chief Deputy Assessor/Appraiser which presently exists in the Assessor's Office and that her position, duties and responsibilities could be assigned as needed by Mr. Fauver.

Therefore, it was the consensus of the Commission to decline the creation of the new position. Whereupon, in anticipation of that action by the Commission, Mr. Fauver presented to them for their consideration, the Personnel Action Form for Carol Riddle to be reclassified from a Deputy Assessor/Appraiser at a Grade 6, Step 1 or salary of \$1,333 per month to a Chief Deputy Assessor/Appraiser at a Grade 6, Step 5 or a salary of \$1,513 per month. Motion was made by

Commissioner Duane Collard to approve the Personnel Action Form for Carol Riddle to be reclassified to a Chief Deputy Assessor/Appraiser as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Effective date is May 1, 1990.

F) Betty Burns-Green River Justice Court - Presented was the Personnel Action Form for Betty Burns of the Green River Justice Court as a Justice Court Clerk having completed the probationary period, and is credited with many years of service, to be reclassified from a Grade 5, Step 1 or salary of \$1,266.00 per month to a Grade 5, Step 4 or salary of \$1,392.00 per month. Therefore, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for Betty Burns as presented. Motion was approved by all members present. Effective date is April 1, 1990.

G) Peggy C. Anderson-Clerk's Office-Part Time Deputy Clerk - Presented was the Personnel Action Form for Peggy C. Anderson to be hired in the Clerk's Office as a Part-Time Deputy Clerk to be paid at the rate of \$7.30 per hour, commensurate with a Grade 5, Step 1, with a maximum of 39 hours per week. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for Peggy C. Anderson as presented. Motion was approved by all members present. Effective date is May 7, 1990.

(4)

#### RESOLUTION 5-2-90A - POSITION OF PERSONNEL DIRECTOR/INSURANCE ADMINISTRATOR

Emery County Auditor, Karen Truman presented to the Commission for their consideration Resolution 5-2-90A wherein it is a Resolution amending the Personnel Ordinance in creating the position of a Personnel Director/Insurance Administrator with salary at a Grade 14 and appointment made by the Board of Emery County Commissioners to work under their direct supervision. Whereupon, motion was made by Commissioner Jerry Mangum to approve and adopt Resolution 5-2-90A as presented. Motion was seconded by Commission Chairman Clyde Thompson. Commissioner Duane Collard indicated that he was reluctant to create a new position but would support the Commission. Whereupon, motion passed.

(5)

#### ROAD DEPARTMENT - GRADER REPLACEMENT

A) Road Graders - Road Superintendent Rex Funk reviewed with the Commission the grader maintenance report on three John Deere road graders, Emery County fixed assets #1303 - a 1976 John Deere grader with 18,980 hours on it; #1304 - a 1979 John Deere grader with 13,200 hours on it; and #1305 - a 1980 John Deere grader with 11,545 hours. Wherein, he outlined to the Commission that grader #1303 maintenance costs have totaled \$84,408; #1304 maintenance costs have

totaled \$117,911; and #1305 maintenance costs are at \$91,354. These costs accumulated between 1983 and 1990. Mr. Funk further advised the Commission that the original costs for the graders when purchased was approximately \$83,000 each and according to the replacement vs. overhaul guidelines, it is recommended that they be replaced rather than the County continue to repair them, as they have exceeded their expected life and hours. Whereupon, motion was made by Commissioner Jerry Mangum to authorize Road Superintendent Rex Funk to proceed with the soliciting of bids for replacement of two road graders in the Road Department. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Chip Hauling Bids - Mr. Funk presented to the Commission the abstract of bids from the bid opening held in the Emery County Clerk's Office on April 27 wherein the Road Department had solicited bids for hauling chips to various site locations in Emery County. The following three bids having been received: Sinbad Construction for \$24,510, Kerwin Jensen Trucking for \$25,985.50 and Jack B. Kelley, Inc., for \$30,046.80. The overall chip tonnage is 3,430 tons. Wherein, Sinbad Construction was the apparent low bidder. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to recognize Sinbad Construction as the apparent low bidder and approve the awarding of an agreement or contract with Sinbad Construction for hauling the gravel chips as requested.

C) Green River Airport-Culvert Price Quotes - Mr. Funk presented to the Commission for their consideration the quotes received for culverts to be used at the Green River Airport project. The bids were: Amcor in the amount of \$18,452; Comtec in the amount of \$19,496.50; and W.R. White in the amount of \$22,995. Whereupon, motion was made by Commissioner Jerry Mangum to recognize Amcor as the apparent low bidder for the culvert on the Green River Airport project and approve the purchase of the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)  
INDIGENT BURIAL

Mr. Greg Fausett, of Fausett Mortuary came before the Commission to discuss the problems associated with the indigent burial. He pointed out that because of the recent indigent burial in Emery County, it was apparent of the need for Emery County to establish a County cemetery. He discussed the costs associated in the preparation and transporting a body for burial. He also discussed with the Commission those costs involved should Emery County make and provide a wooden casket. Mr. Fausett indicated that the cost of the services provided by his mortuary needed to be increased from the present \$500 offered by the County which is the minimum cost for cremation.

After further discussion and a review of other possibilities, it was the consensus of the Commission that the County look into securing and designating a plot as a County cemetery within the next two weeks. The Commission further agreed to look into the costs and other concerns mentioned.

(7)

#### MAYOR RAY MARTINEZ-HUNTINGTON CITY - LIBRARY/COUNTY BALL COMPLEX

Mr. Ray Martinez, Huntington City Mayor, came before the Commission on behalf of the Huntington City Council to inquire if funding for a proposed new Huntington library would be by the County or whether they would need to solicit grants from other agencies. Mr. Martinez pointed out that they preferred a new location for the library as the present library, due to its location, is not receiving the use it should for that size of a city. This was also concurred by Jerilyn Mathis, noting that the library was about third in circulation and should be number one because of population. She further pointed out that if the property being considered was north of the Huntington Stake Center, it would be the same distance from the school as the present location. She further pointed out that the library program in Emery County is 45 years old and that last year, the library system in Emery County was number one in the State of Utah. Mr. Martinez felt that a main street location could offer much more to the residents of the community. Whereupon, it was the consensus of those present that the City proceed with solicitation of a grant from the Community Impact Board or for a Community Development Block Grant.

Mr. Martinez further inquired of the Commission as to a possibility of Huntington City taking over the care of the Emery County ball complex located at Huntington. He pointed out that Huntington City could take care of it full time and that the city is better equipped and better staffed. He pointed out that the city has already documented more than 44 hours for which they have not billed the County for repair work and that most repairs should have been completed prior to use. He went on to describe damage to the facility. Whereupon, he asked the Commission to consider this matter and advise Huntington City if they are interested.

Ball Complex, cont. . . .

Parks and Recreation Supervisor, Dave Thompson, was also in attendance at this time and agreed there are problems at the park. He was quick to point out that the facility is not really falling down, but that it does need a lot of work. He indicated that fencers have been lined up to complete fencing projects. He further pointed out that closer supervision would help. The rest rooms have been a problem and many of the problems are a result of the players themselves

and that one of the largest problems is that adults bring their children to the facility and then basically turn them loose. Therefore, much of the damage is caused in that respect.

Mr. Martinez further emphasized that the facility should still remain as a County Complex because of insurance purposes. Whereupon, Commission Chairman Clyde Thompson as well as the other Commissioners indicated their interest in such a proposal and would review it further. The Commission expressed appreciation to Mr. Martinez and Mr. Thompson for being in attendance.

(8)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:10 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:23 p.m. with all members present.

(9)

#### EMERY COUNTY NURSING HOME - HERITAGE MANAGEMENT CORPORATION

Mr. Randy Kurton, Lewis Garrett and John Morris of Heritage Management Corporation together with Mr. John Bramall, Administrator of the Emery County Nursing Home, came before the Commission to present them with a census count history of the Emery County Nursing Home. This was covering the period from January 1988 to March 1990. Wherein, graphically, he pointed out that the average census is 40.5 patients and that a break even point is at 42 to 43. The high was reached in approximately September of 1988 wherein they had a count of 45 patients. Mr. Kurton encouraged general community support for the Nursing Home as a place to support loved ones. Pointed out was the desire to increase by six the present patients at the Nursing Home. Mr. Kurton and those present discussed with the Commission an income statement projected for the year 1990 based on an accrual counting method. Wherein the revenues expected were projected to be \$720,728 with total expenses at \$747,972 with a net year-end deficit of \$27,244.

Emery County Nursing Home, cont. . . .

However, the Commission expressed concern in the presentation inquiring as to what the plant operation and maintenance costs were. Mr. John Morris explained that those were the normal depreciation on the facility and equipment. The Commission questioned why is it that Emery County owns the facility and has made numerous improvements and provided money for payment of vendors as well as



for cash flow, yet those monies do not appear on the revenue side of the budget. While in the expense side, these are depreciated out, making it appear that Emery County is paying double.

Mr. Morris went on to explain that this is a proper accounting method and that should a cash method be used, that it would be more understandable. However, they agreed that it lends to confusion and that the \$27,244 would not be a loss unless those monies outlined in the plant operation and depreciation were reapplied to new equipment or improvement. It was agreed by all present and suggested by Mr. Kurton and Mr. Garrett that in the future, such revenue and expenditure reports should be so as to accurately reflect those monies received and costs projected for the year. Therefore, bringing relevance to the matters being considered at this time.

Also presented was a bar graph showing by comparison the Emery County Nursing Home to four other nursing Homes in which the administrative, dietary and nursing costs appeared slightly higher in the patient per day costs. It was agreed upon by all those present that if the patient numbers could be increased that Emery County would appear more in line.

Commission Chairman Clyde Thompson inquired of Mr. Kurton the purpose in their meeting today. Mr. Kurton went on to explain that it was primarily to advise the Commission as to the status of the Nursing Home as managers and to make the Commission aware of their objectives. These are: 1) to provide proper patient care, 2) provide employee satisfaction, and 3) operation profit. Mr. Kurton went on to explain that since 1987 the County has owed Heritage the amount of \$16,800 in profit and that no efforts have been made to make arrangements for payment of that to Heritage, nor for interest on the amount. Mr. Kurton inquired of the Commission as to what operating costs might be reduced.

Commissioner Duane Collard emphasized that the importance of the management organization and Mr. Bramall is to operate and administrate the facility and that the County not dictate those areas of reduction. He pointed out that the Commission has confidence in Mr. Bramall in keeping costs where they should be.

(9)

#### EMERY COUNTY LANDFILL - RON BARNEY MANAGEMENT AGREEMENT

Emery County Landfill Manager, Ron Barney, together with Gordon Ewell, came before the Commission to discuss landfill problems and make recommendations as to the future management and operation of the landfill. He advised the Commission that at the present time they are proceeding without a management contract with the County. The second purpose would be to present some proposed long-term uses for the site.

A proposed future pit would be placed over an old existing pit wherein daily cover and the final cover over the new pit would be extracted from property East while at the same time such removal would create an additional pit for future use. Under the proposal, it was anticipated that it would last approximately 21 years with a tentative cost from \$35,000 to \$50,000. They would provide a ditch to keep present water from getting into the location as well as a berm and litter fence around the area. It would include the drilling of five wells for testing and sampling.

It was the consensus of the Commission that fencing include the majority of the properties. Mr. Barney further went on to point out that if the County would support a salvage operation which may include individual dump stations at each of the communities and that such an operation is feasible, but would have to be done with the support of the County, wherein low interest financing would be available. The resultant recycling plant would produce only 1/6 of the material as unusable. Therefore, it would extend the life of the site many more years.

Mr. Barney concluded that he would like the Commission to consider these matters and also make preparation for a long-term contract which would consider these proposals and give direction from the Commission. Whereupon, after further discussion, it was the consensus of the Commission that because the current contract does not include any additional work, that possibly two contracts need to be considered. One contract for the basic operation of the landfill and a second for the additional work. Wherein, the Commission expressed appreciation to Mr. Barney and Mr. Ewell and Mr. Barney's wife who was in attendance also for bringing this matter before the Commission indicating they would pursue it further in an effort to resolve the problem.

(10)

#### ATTORNEY'S BUSINESS

Emery County Attorney, Scott Johansen advised the Commission that Mr. Steven Killpack who is currently serving as Deputy County Attorney has and will continue to be involved in matters in Utah County. Mr. Johansen urgently needs approval from the Commission in soliciting additional summer help and would hire two law clerks in the Attorney's office. Whereupon, it was the consensus of the Commission that Mr. Johansen proceed in the matter as so needed.

(11)

#### RESOLUTION 5-2-90B - AMENDING THE PERSONNEL POLICY - EMPLOYEE FILING FOR COUNTY OFFICE

Emery County Attorney, Scott Johansen presented to the Commission for their consideration, Resolution 5-2-90B wherein it is a Resolution amending the Emery County Personnel Policy wherein Section XII, subsection B, paragraph 5, be amended to read as follows:

"A career service employee shall automatically be placed on a temporary leave of absence without pay for a period of 60 consecutive calendar days immediately preceding the primary or general election date, as applicable, if the career service employee becomes a candidate for an elected public office against an elected public official seeking reelection who is the said employee's department supervisor.

The employee shall be reinstated to his or temporarily vacated position immediately after the primary or general election as applicable."

Whereupon, it was the consensus of the Commission that, although timing appeared to be bad, that it was not their intent to create any hardship.

Mr. Fauver, speaking in behalf and support of the Resolution pointed out that the present policy would create a hardship on his office in regards to his employee, Jan Petersen. Mrs. Petersen has filed for the office of Emery County Treasurer, noting that it represents no conflict within the office. Mr. Johansen went on to point out that the employee organization has also requested the change.

Whereupon, motion was made by Commissioner Duane Collard to approve Resolution 5-2-90B as presented and discussed. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(12)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 4:11 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

CHAIRMAN

ComMin5-16-90

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

May 16, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the May 2, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was approved by all members present.

(2)

REMEMBRANCE OF SAN JUAN COUNTY COMMISSIONER CALVIN BLACK

The Emery County Commission at this time recognized Commissioner Calvin Black, San Juan County Commissioner, who passed away on May 11 for his outstanding contribution to the Utah Association of Counties and those issues affecting rural counties. The Commission expressed appreciation and best wishes to his family.

(3)

ROAD DEPARTMENT GRADER BID OPENING

Commissioner Jerry Mangum indicated that the County has received two bids for graders for the Emery County Road Department. Bids were received from Scott Machinery Company and Wheeler Equipment. The bid from Wheeler Equipment Company for a regular type Caterpillar grader, or option A was \$106,752.00, option B which is an all-wheel drive Caterpillar grader was \$130,362.00. The bid from Scott Machinery Company submitted bids for John-Deere Equipment in the amount of \$96,125.00 for a regular road grader and \$111,325.00 for the all-wheel drive option.

Commissioner Jerry Mangum advised those present that both bids would be reviewed with Road Superintendent Rex Funk and after which bidders would be notified.

(4)

#### CASTLE DALE SENIOR CITIZENS CENTER - ASPHALT PAVING

Mr. Maughn Guymon, of the Association of Governments, together with Sue Jones of the Senior Citizens Center, came before the Commission asking for assistance in asphaltting the area behind the Castle Dale Senior Citizens Center. They pointed out that adjacent building owners have complained because of the senior parking taking up parking spaces normally provided for their customers. Sue Jones indicated that the proposed parking lot is 150 feet in length by 110 feet wide. Mr. Guymon pointed out that the AOG has no money in their budget to finance such a project. Commissioner Mangum inquired if the County was to do the asphalt work, if removal of dirt, leveling and other preparation would be required. Mr. Guymon indicated that the grounds would require very little gravel and minimum leveling.

Mrs. Jones pointed out that the Center is a community center being utilized by many groups and that the parking would be an important improvement to the center. In responding to a question as to whether graveling would be sufficient, she pointed out that because of the elderly people, it would not be acceptable in that a number of them could not walk on such a surface.

Therefore, it was the consensus of the Commission that Commissioner Jerry Mangum meet with Road Superintendent Rex Funk to look over the project. If the pavement which has been used at the Emery County Nursing Home is acceptable, that the Road Department would look into doing the project and that those involved would be advised and given proper notice prior to commencement of the work.

(4)

#### UTAH POWER AND LIGHT ELECTRIC SERVICE AGREEMENT - ELMO LIBRARY

Presented to the Commission for their consideration was an Electric Service Agreement from Utah Power and Light to provide electrical service to the Elmo Library located at 100 E. Main Street in Elmo, Utah, dated April 26, 1990. Whereupon, motion was made by Commissioner Duane Collard to accept the agreement and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(5)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #901476 through and including #901599 for payment. Motion was made by Commissioner Jerry Mangum to approve the Warrant/Check Edit List and asking that the Auditor's office clarify the Warrant to Chuck Ebeling for a wilderness conference in Park City. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Auditor's business, cont. . . .

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
32	Used Victor Auto Torch - Road	225.00	Approved
33	Two Hydraulic Motor Graders - Road	230,000.00	Approved
34	Four GE Handheld Radios, Cases & Batteries - Road	2,590.00	Approved

Motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)

PERSONNEL ITEMS

Emery County Auditor, Karen Truman presented the following personnel items for Commission consideration:

A) Becky Farnsworth-RSVP - Presented was the Personnel Action Form for Becky Farnsworth who works part-time in the RSVP office having submitted her resignation effective May 31, 1990. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the resignation of Becky Farnsworth as presented. Motion was approved by all members present.

B) Personnel Requisition - Presented was the Personnel Requisition Form to replace Becky Farnsworth in the RSVP office. Motion was made by Commissioner

Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisition and begin the hiring process to replace Becky Farnsworth in the RSVP office. Motion was approved by all members present.

C) Personnel Director/Insurance Administrator - Emery County Auditor Karen Truman presented to the Commission the Personnel Action Form from the Personnel Department for a Personnel Director/Insurance Administrator for the hiring of Pat Snowball on a Grade 14, Step 1 or a salary of \$2,021.00. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Pat Snowball as presented. Motion was approved by all members present. Effective date is May 16, 1990.

D) Teresa Manzanares-Attorney's Office - County Attorney Scott Johansen presented to the Commission a Personnel Action Form for Teresa Manzanares of the Attorney's Office, pointing out that there are two parts to the action. The first one changing her from part-time to full-time and the second is a

Personnel items, Teresa Manzanares, cont. . . .

salary adjustment from a Grade 7, Step 5 to a Grade 7, Step 6, effective May 16, 1990. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form and add it to those approved earlier in the meeting. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)

#### KENNETH BROWN - PROPERTY TAX DEFERRAL

Emery County Auditor Karen Truman advised the Commission that Mr. Kenneth Brown has contacted her in regards to two pieces of property advertised on the May Tax Sale. She noted that on one property, the tax notice was sent to Mr. Frank Sunde who originally was to have paid the taxes on the property. Whereas, Mr. Brown is the lien holder. Therefore, he has asked for a deferral on payment on both properties. It was pointed out that Mr. Brown has received proper notice on the one property which is under his name. However, the Commission considered and gave approval by motion of Commissioner Duane Collard to authorize a deferral and agreement allowing until November 30, 1990, the opportunity for Mr. Brown as the lien holder to pay the taxes on the other piece of property. Although it was recommended by the Commission that Mr. Brown consider letting it go to May Tax Sale where he could exercise his right of first option.

Motion was seconded by Commissioner Jerry Mangum and approved by all members present. It was also noted that should Mr. Frank Sunde in the meantime pay those property taxes, that this action become null and void.

(7)

#### INA LEE MAGNUSON - CORRECTION OF BOUNDARY DESCRIPTION

County Recorder, Ina Lee Magnuson came before the Commission advising them of the need to correct the discrepancy in a boundary description on property required by the County in a May Tax Sale. The property is described as follows:

Section 27; Township 16 S; Range 10 East

It was her recommendation that the County provide a quit claim deed to any property owners surrounding it which may have been clouded in the original description as found on the plats.

Motion to approve and authorize Commission Chairman Clyde Thompson to sign the quit claim deed was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

(8)

#### WILD LAND FIRE MARSHALL

Mr. Glade Longmore, Emery County Wild Land Fire Marshall, together with Stan Baker, Area Forester, came before the Commission to go over a few concerns. Mr. Baker advised the Commission that again this year Mr. Glade Longmore will be with the County as the Wild Lands Fire Marshall. Mr. Baker also inquired if there were any reasons why the six by six water tanker located in Emery could not be picked up, fixed and reallocated and suggested relocation in the Joe's Valley area.

It was the consensus of the Commission that the mentioned equipment needed considerable repair. Therefore, concurred that it needed to be picked up and put back into operation and that the Joe's Valley area would be an excellent location.

Mr. Baker went on to inquire of the Commission if provisions were in place for a stand-by fire warden in the County allowing Mr. Longmore some weekends off and emergency assistance. However, their purpose at this time was just to bring it to the attention of the Commission and that consideration be given for next year after they have an opportunity to see what other counties are doing.

Mr. Longmore also discussed with the Commission the problem of County volunteer fire department man power and equipment being used to fight fires on private



property. His concern was their need to receive some type of reimbursement because of wages lost, fuel, use of the equipment, etc. However, Commissioner Collard advised those present that the equipment does belong to the County and the County does maintain and furnish the fire trucks. However, the Commission should possibly consider the hardship on those individuals in the way of lost wages. He noted that he has somewhat discussed this with Garth Childs and they would proceed further.

Mr. Longmore further went on to inquire of the Commission their feelings as to use of the lights and sirens during calls. Commissioner Collard indicated that there has been some complaints in regards to Mr. Longmore's use of those in the past. Therefore, it has been recommended by other supervisors, as well as Captain Owens of the Sheriff's Office, to decline authorization. Therefore, the Commission declined authorization of installation of lights and sirens on the vehicle, noting that it does not travel at sufficient speeds and would only create concern and alarm with the citizens.

(10)

#### FOREST SERVICE - SHERIFF AGREEMENT

Commission Chairman Clyde Thompson advised the Commission that he is in receipt of the law enforcement agreement with the Forest Service wherein Emery County is reimbursed for providing law enforcement services on the U.S. Forest Service Boundaries in the amount of \$9,500. Whereupon, motion was made by Commissioner Duane Collard to approve the contract between the Forest Service and Emery County Sheriff Lamar Guymon and authorize Sheriff Guymon to sign the same upon his approval. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(11)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 11:44 a.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:30 p.m. with all members present.

(12)

#### MUSEUM BOARD - REQUEST FOR SUPPORT

Those present at this time were: John Judd, Wes Curtis, Eugene Johansen, Gary Cox, Jan Petersen, Kent Petersen, Owen McClenahan, Karen Truman, Elaine Wilson, Sharon Baker, Colleen Beach and Bryant Anderson. Mr. John Judd of the Museum

Board addressed the Commission, giving them a report on the progress of the Emery County Museum. Mr. Judd noted that they are approximately \$250,000 short of actual bid costs. Some of these costs are due to the three-year delay when the architect made the original estimates, to the start of the building project. Also, there were no anticipated bonding costs in the amount of about 5%. They have utilized 13,500 cubic feet of wasted space and there have been design errors. He went on to point out that the Community Impact Board requires that anything over 10% of the original amount require re-application and that is their purpose in coming before the Commission at this time. Mr. Judd pointed out that the Impact Board's concern is for the possible lack of commitment by the Commission for the ongoing care of the Museum. Therefore, he requested and proposed to the Commission that the County take over the operation and maintenance of the facility.

Commission Chairman Clyde Thompson pointed out that the Commission at this time is not financially able to take over the operation and maintenance and inquired if those present had a proposal for such funding. Mr. Judd went on to review a letter submitted to the Commission in February of 1988 by Scott Truman, the past Economic Development Director for Emery County. Wherein, he outlined ways to provide funding.

Museum, cont. . . .

Mr. Judd also read aloud that from the Commission meeting minutes of August 17, 1989, wherein the Commission gave support to the project. Whereupon, Commission Chairman Clyde Thompson noted that the Commission has always supported the project, but is not able to finance it and cannot cover those costs at the present time. He inquired as to what the costs are and that the Museum Board is requesting of the Commission.

Mr. Judd indicated that Castle Dale City is committed to the water, sewer and the outside grounds. It is their request of the Commission to pay for the gas and electricity which is expected to be in the neighborhood of \$35,000 to \$50,000 annually for the utilities.

Commissioner Duane Collard went on to point out that when we talk of funding the museum, that a comprehensive tourism program needs to be looked at that makes the Museum the centerpiece. Such program would have to be set up to draw people to the museum which would also help accomplish part of the funding. Mr. Owen McClenahan commented that no museum in the United States is self-funding.

Also discussed was whether the County could increase property tax as under the present ceiling to cover funding. Castle Dale City Mayor Gary Cox informed those present that the City in no way could financially support the Museum and

the City has fulfilled its commitments and will continue to in the future.

Commissioner Jerry Mangum also recognized the previous commitment on behalf of the Commission for support of the museum. However, it was the recommendation that a committee get together in the very near future and address the continued funding problem. Therefore, a meeting was set up for Monday, May 21, 1990, at 1:00 p.m.

Mr. Kent Petersen further recommended that with the Museum Board's emphasis on providing exhibits, that the County needs to assume the responsibility of the utilities and associated operating expenses, allowing the Board to concentrate on obtaining items for the Museum so that there would be something for the public to look at.

Mr. Eugene Johansen expressed concern that the County take proper action, that no action would affect Emery County's creditability with the Community Impact Board.

Mr. Wes Curtis requested of the Commission a motion of intent to finance the utilities which would include the gas and electricity. He noted that he has been involved in the project for two years and has found it frustrating and discouraging. A motion of intent, he pointed out, is non-binding until the Commission has had a chance to review all the matters and come to a decision providing proper funding.

Museum, cont. . . .

Whereupon, motion was made by Commissioner Duane Collard to confirm Emery County Commission intent to finance the utilities (gas and electricity) on the Emery County Museum upon completion. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(12)

#### CHAMBER OF COMMERCE - OFFICE LOCATION

Emery County Chamber of Commerce President Sharon Baker came before the Commission, noting that she has received numerous phone calls and inquiries about the County and what is going on. She noted that the AAA auto club is directing tourists to Emery County and the San Rafael Swell, noting that people arrive here and are unaware of services and that many of the roads are ungraded. Therefore, her request of the Commission is that the County participate in the location of a Chamber of Commerce office, possibly in the Courthouse or help pay the rent on office space. She further went on to discuss various other ways of funding and staffing such an office, noting that

the office needs to be visible.

The Commission expressed appreciation and thanks for the fine job in which the Chamber of Commerce does in promoting and supporting Emery County. Commission Chairman Clyde Thompson suggested site locations in which Mrs. Baker indicated that she would look further into them and get back with the Commission.

(13)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:57 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin6-6-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 6, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the May 16, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.



# 6 - Castle Dale W. Laurie B. Rogers Zora Peacock  
LuAnn Whiteleather M. Elaine Beard  
Elaine Wilberg Charlotte Colby

# 7 - Castle Dale E. Della Cox Lindora Draper  
Darlene Thompson Eileen Lofthouse  
Kathleen Clements Marianne Day  
Jean Harshsberger (alternate)

# 8 - Huntington E. Arlene Hansen Velma Gardner  
LuRene Swinburne Debbie Smith  
Frances J. Handley Callie Frickey

# 9 - Huntington W. Joann Shannon Lesa Miller  
Leah Jones Laurel McArthur  
Loyette Myerhoff Joyce Howard

#10 - Cleveland Darlene Erni Vernice E. Wells  
Shawna Minchey Clarice Sandstrom  
Elva Wayne Lorraine Jensen

#11 - Elmo Deborah K. Jones Georgena Hansen  
Emma Tucker Sally Staker Atwood  
Erma Lou Jones Bertha R. Jones  
Shirley G. Coyne (alternate)

Judges of Election, cont. . . .

#12 - Green River Lanora Richards Allene Spadafora  
Maedell Ekker Rea Dawn Rowley  
Shirley Ramsay Dora Dean Jewkes

Mr. Funk reviewed with the Commission the procedure involved to determine the judges of election and registration agents from a particular party. He reviewed with the Commission the payment schedule from prior years wherein judges of election were paid \$50 per election and the registration agents were paid \$30.00 per day wherein \$20.00 was for their services and \$10.00 was for the use of their home. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Judges of Election and Registration Agents as presented and approve the same payment schedule this year as used in the prior years as outlined. Motion was approved by all members present.

(3)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #901610 through and including #901852 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
36	Computer - Personnel/Insur.	1,979.00	Approved
37	Computer Stand and Typewriter - Personnel/Insurance	648.00	Approved
38	Ambulance - Sheriff	39,566.12	Approved
39	Radio for Ambulance - Sheriff	1,979.45	Approved
40	Beacon & globes - Airport	1,399.00	Approved
41	Test tanks - Airport	325.00	Approved
42	Vehicle cage - Sheriff	250.00	Approved
43	Air wrench - Road	440.00	Approved
44	Steam cleaner - Road	3,895.00	Approved

Auditor's Business, cont. . . .

Whereupon, motion was made by Commissioner Duane Collard to approve the requisitions for purchase. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(4)

ROAD DEPARTMENT BUSINESS

A) Steam Cleaner - Presented to the Commission was the abstract of quotes for a steam cleaner to be purchased in the Road Department. One bid was for a Concept 21 in the amount of \$4,000 and the seconded was for an Ecoho System in the amount of \$3,895.00. Whereupon, the requisition for the purchase of the

Ecoho System in the amount of \$3,895.00 was approved.

B) Tire Air Wrench - Presented to the Commission was the abstract of quotes for a tire air wrench to be purchased in the Road Department. One bid was from Hafers in the amount of \$440.00 and the second bid was from Tool Center in the amount of \$563.00. Whereupon, the requisition for the purchase of the tire air wrench from Hafers in the amount of \$440.00 was approved.

(5)

#### RATIFICATION OF MAY TAX SALE

Emery County Auditor, Karen Truman reviewed with the Commission the results of the May Tax Sale held on May 30, 1990, in which four properties went to sale. Those being as follows: Wilson property, serial #1-151G-0068 sold to Blaine and Mary Anne Luke; Rowley property, serial #1-151G-0068 sold to Jimmy A. Nay; Lowe property, serial #1-151G-0061 sold to Jimmy A. Nay; and Driggs property, serial #1-236A-0003 sold to Garth and Gayla Luke. She further advised the Commission that there has been no contest or problems in regards to the May Tax Sale. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve and ratify the results of the May Tax Sale held on May 30, 1990. Motion was approved by all members present.

(6)

#### DRUG FORFEITURE VEHICLES

Emery County Attorney, Scott Johansen discussed briefly with the Commission the 1986 van which was seized in a drug-related case. He advised the Commission that there is a mortgage holder in the approximate amount of \$9,000. The van also has a blown engine which would result in an additional cost of \$1,500 to have a new one installed. The total expenditure would then be \$10,500, should the Emery County Commission deem it advisable to retain possession of the vehicle. Mr. Johansen was further advised by Sheriff Guymon that even in lite of those outlined costs, it was his recommendation that the mortgage holder be paid off and a new engine installed and made available for disposition by Emery County.

Drug Forfeiture Vehicles, cont. . . .

However, Mr. Johansen felt that the decision should be up to the Commission. If the Commission decides not to retain possession of the vehicle, he will advise the mortgage holder to come and pick it up.

After further discussion, it was the consensus of the Commission, and upon recommendation of Emery County Sheriff Lamar Guymon, that the County negotiate a pay off amount with the mortgage holder, replace the engine and dispose of it at the County's discretion at a later date.



(7)

#### RECOGNITION OF THE KOREAN CONFLICT - 40TH ANNIVERSARY

At this time, the Emery County Commission recognized the 40th anniversary of the beginning of the Korean Conflict which began June 25, 1950. It was referred to as a police action with 14 countries other than the United States participating. It has involved over 1,500,000 Americans, of which there have been 140,000 American casualties, with 33,629 losing their lives.

Wherein, the Commission recognized those Americans who have served during this conflict and paid tribute to them.

(8)

#### UNIFORM BUILDING CODE ADOPTION

Emery County Planning and Zoning Director, Bryant Anderson reviewed with the Commission his recent meeting in Park City. The meeting was in regards to the Utah Uniform Building Code and inquired as to whether it was advantageous to adopt the same here in the County. He indicated that he has no strong impressions or recommendations to proceed with the adoption. However, Commissioner Jerry Mangum noted that the Utah Law requires counties to adopt the Code and that the State of Utah also has done the same. He further recommended that this be reviewed with Emery County Deputy Attorney, Steven Killpack. It was further discussed that the Code applies to Commercial and Residential construction if so adopted within the County.

Mr. Anderson further went on to advise the Commission that he would be attending a class on mobile homes on Friday, June 29, in Cedar City.

(9)

#### SHOP AT HOME PROMOTION - MERCHANTS ASSOCIATION - CHAMBER OF COMMERCE

Economic Development Director, Bryant Anderson discussed with the Commission the Merchant's Association and Chamber of Commerce which has become one in the same. He discussed the promotion last year entitled "Shop at Home". He noted that it was successful and he was impressed with the amount of participation. He further advised the Commission that his purpose in being before them today was to solicit additional funds this year in order to promote the same program. Bryant Anderson, cont. . . .

He noted that last year, approximately \$3,000 had been donated to the promotion.

However, it was further discussed by those present that those funds possibly

came through the Economic Development Council under the direction of Scott Truman who had written a check for those funds at that time. Whereas, since that time, under the County's direction, no funds have been disbursed for that program.

The Commission further advised Mr. Anderson to pursue this item with the Economic Development Council in considering monies in the revolving fund.

(10)

#### CHAMBER OF COMMERCE - VISITORS CENTER

Mr. Bryant Anderson reviewed with the Commission the new location of the Chamber of Commerce visitor's center to be located at the former Korner Kitchen in Castle Dale. He noted that they are in need of making number of improvements. They plan to install three flag poles, one 20-foot high and two 16-foot high, which would serve as masts for a Federal, State and Chamber flag with an expected cost of approximately \$500. He noted that they were looking for individuals interested in an Eagle Scout project to do the installation. He further advised that the sign needs to be repaired, the building repainted, one window needs to be replaced, and redwood flower boxes built, for a total approximate cost of \$1,250. Therefore, Mr. Anderson was soliciting these funds from the County. However, Commission Chairman Clyde Thompson suggested that they look and see what the County employees could do as far as making many of the improvements.

(11)

#### ZONING PERMIT - SAN RAFAEL CATHOLIC CHURCH

Mr. Bryant Anderson advised the Commission that he has been requested in behalf of the San Rafael Catholic Church to consider waiving the zoning permitting costs in the construction in the addition to the San Rafael Church located South of Huntington. Wherein, the Commission inquired of Mr. Anderson as to past policy in regards to this type of facility. Mr. Anderson indicated that he was not aware how it had been done in the past and would come back to the Commission with a recommendation.

(12)

#### BUSINESS LICENSES

A) R & S Work Bench - Presented to the Commission for their consideration was the application for business license from Rodney E. and Susan D. Davis who would operate an upholstery and furniture repair business located at 2025 West Highway 155 at Cleveland, Utah. Wherein, Mr. Anderson gave approval on May 24, Business Licenses, cont. . . .

1990, with an expiration date of March 31, 1991, with the funds receipted on May 25, 1990. His purpose in coming before the Commission was to ratify the action.

B) Wings Unlimited - Presented to the Commission for their consideration was the application for business license from Dale and Ardiene Norton who would operate a commercial pheasant farm located in the area which was once known as Victor, Utah, in Emery County. The ground being leased from Rick Borel. Mr. Anderson gave approval on May 24, 1990, with an expiration date of March 31, 1991, and having receipted the funds. His purpose in coming before the Commission was to ratify the action.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the two business licenses as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Noted was the recommendation that Mr. Anderson get with the Clerk's office and develop a procedure for the proper handling and receipting of business licenses. It was Mr. Anderson's recommendation that a formal business license be issued to the applicants.

(13)

#### LIBRARY BOARD APPOINTMENTS

Emery County Librarian, Gerilyn Mathis presented the following names for consideration for reappointment to the Emery County Library Board: Verda Miller - continue through 1994; Pat Faast - continue through 1992; and Claudia Marietti - continue through 1992. She further advised the Commission that she has an opening for the position previously occupied by Board Member Annetta Mower of Ferron, who is leaving the area. She further presented to the Commission for their consideration three names: Shauna Killpack, William Luce and Karen Bishop, all of Ferron, to fill that vacancy which would terminate in 1993.

Upon review, motion was made by Commissioner Duane Collard to reappoint Verda Miller, Pat Faast and Claudia Marietti as presented. The Commission requested County Librarian Gerilyn Mathis to contact Shauna Killpack and William Luce to inquire as to their availability to serve on the Library Board. They further requested Mrs. Mathis to bring back a recommendation of one of these to fill the vacancy of Annetta Mower. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(14)

## MEN'S AND WOMEN'S SOFTBALL LEAGUE - HUNTINGTON BALL COMPLEX

Mr. Brent Ungerman and Tab Weihing came before the Commission representing the softball leagues, both men and women's, as well as the little league and the community of Huntington. Mr. Ungerman and Mr. Weihing advised the Commission, of the continued need for improvement at the Huntington Ball Complex. They noted that they have received a large increase in the amount of volunteer help and contributions for improving the site. They expressed concern with the complex budget items and contract. The County budgeted approximately \$14,000 for maintenance on the complex, as well as approximately \$6,000 prescribed for trophies. It was their feeling that in most instances, particularly in the men, women and little league ball programs, that the trophies were bought by the participants. They further felt that some of these monies should be directed towards reimbursement for improvements made at the complex.

However, the Commission pointed out that the \$14,000 in the budget is for all recreation, including the campgrounds in the County. Mr. Ungerman further confirmed that the City of Huntington is not interested in taking over the ball complex, but have provided a great deal of assistance and made many improvements in getting the fields in good playing shape. Their request would be that the City receive some money for making those improvements.

They went on further to advise the Commission that the present County employee working at the site has been doing an excellent job on the fields. Huntington City has been helping out as well as a lot of local support. Further suggested was better enforcement in regards to vandalism and litter and that they are appreciative of the County support in regards to improvements at the facility.

The Commission expressed appreciation for Mr. Ungerman and Mr. Weihing for their efforts and to Huntington City for the improvements being made at the complex. Commission Chairman Clyde Thompson indicated that a further determination could be looked into in regards to the budget items discussed today. However, he felt that the facility would continue to improve with the County assisting at the level it has been together with Huntington City who has made extensive improvements there. It was recognized by all present that the improvement and utilization of the facility has definite economic benefits to the merchants in the area.

It was also discussed and agreed upon by Mr. Ungerman and Mr. Weihing that one field per year could be closed down in order to get grass and a proper playing field established if it was their desire as leagues. The Commission expressed appreciation for them being in attendance and keeping them informed.

## ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:07 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:27 p.m. with all members present.

(16)

## PERSONNEL ITEMS

Personnel Director Pat Snowball presented the following for Commission consideration:

A) Claron Durrant - Weed & Mosquito - Presented was the Personnel Action Form for Claron Durrant to be hired as a Temporary/Seasonal worker in the Weed and Mosquito Department to be paid at the rate of \$8.25 per hour. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Claron Durrant as presented. Motion was approved by all members present. Effective date is May 29, 1990.

B) Tim Farr - Weed & Mosquito - Presented was the Personnel Action Form for Tim Farr to be hired as a Temporary/Seasonal worker in the Weed and Mosquito Department to be paid at the rate of \$6.97 per hour. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Tim Farr as presented. Motion was approved by all members present. Effective date is May 29, 1990.

C) Duane Fowler - Weed & Mosquito - Presented was the Personnel Action Form for Duane Fowler to be hired as a Temporary/Seasonal worker in the Weed and Mosquito Department to be paid at the rate of \$8.25 per hour. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Duane Fowler as presented. Motion was approved by all members present. Effective date is May 29, 1990.

D) Dennis Dooley - Weed & Mosquito - Presented was the Personnel Action Form for Dennis Dooley to be hired as a Temporary/Seasonal worker in the Weed and Mosquito Department to be paid at the rate of \$8.25 per hour. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Dennis Dooley as presented. Motion was approved by all members present. Effective date is May 29, 1990.

E) Monte Mower - Road Department - Presented was the Personnel Action Form for Monte Mower to be hired as a Temporary/Seasonal Operator in the Road Department to be paid at the rate of \$8.00 per hour. Mrs. Snowball advised the Commission that the Commission had previously approved the hiring of Richard Larry Winn

for this position. Mr. Winn had found employment in the mean time and therefore it was their recommendation that Mr. Mower be hired to fill that position

Personnel Items, cont. . . .

effective May 7, 1990, as presented. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the hiring of Monte Mower as presented. Motion was approved by all members present.

F) Sandra M. Jewkes - RSVP Coordinator - Presented was the Personnel Action Form for Sandra M. Jewkes to be hired as the RSVP Coordinator working 20 hours per week with a salary of \$425.00 per month. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the hiring of Sandra M. Jewkes as presented. Motion was approved by all members present. Effective date is June 18, 1990.

G) Elmo Library - Branch Librarian - Presented was the Personnel Requisition Form for a Branch Librarian at the Elmo Library to be paid at the rate of \$5.00 per hour, working from 2:00 p.m. to 6:00 p.m. This is a new position with the completed construction of the Elmo Library and it is a permanent, part-time position. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Requisition Form for a Branch Librarian at the Elmo Library as presented. Motion was approved by all members present.

H) Elmo Library - Assistant Librarian - Presented was the Personnel Requisition Form for an Assistant Branch Librarian at the Elmo Library to be paid at the rate of \$4.75 per hour, working from 2:00 p.m. to 6:00 p.m., which is a permanent, part-time position. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Requisition Form for a Branch Librarian at the Elmo Library as presented. Motion was approved by all members present.

I) Elmo Library - Janitor - Presented was the Personnel Requisition Form for a Janitor at the Elmo Library, working 10 hours per week at the rate of \$162.00 per month which is a permanent, part-time position. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Requisition Form for a Branch Librarian at the Elmo Library as presented. Motion was approved by all members present.

J) Sheriff's Department - Patrol Deputy II - Floyd D. Forsyth - Presented was the Personnel Requisition Form for a Patrol Deputy II in the Sheriff's Department which would be a permanent, full-time position with a beginning salary of \$1,800 per month on a Grade 11, Step 1. Also presented with the Personnel Requisition Form was the Personnel Action Form for Floyd D. Forsyth to fill

the position of a Patrol Deputy II in the Sheriff's Department, at a Grade 11, Step 1 or a salary of \$1,800 per month.

Pat Snowball, from her discussions with Lynn Lund of the Utah Local Government's Trust, discussed items pertinent to the rehiring of employees, noting that the policy presently does not advise regarding rehiring. She therefore reviewed with the Commission the history of the departmental rehiring. It was

Personnel Items, cont. . . .

further noted that the department rehiring history is inconclusive and that the policy appeared to be based on past performance. It was further recommended by Mrs. Snowball that a rehire section be implemented into the Emery County Personnel Policy.

Whereupon, motion was made by Commissioner Jerry Mangum to table the Personnel Requisition Form for the position of Patrol Deputy II, together with the Personnel Action Form for Floyd D. Forsyth to fill that position, for further review until the next Commission meeting. Motion was seconded by Commission Chairman Clyde Thompson. Commissioner Duane Collard voted nay. Whereupon, motion passed.

(17)

#### RON BARNEY - EMERY COUNTY LANDFILL

Mr. Ron Barney, Operator of the Emery County Landfill, together with Gordon Ewell, came before the Commission expressing their concern in not having a current contract. Mr. Barney advised the Commission that in the 35-1/2 months that they have operated the landfill for the County, they have had a contract which covers approximately 15-1/2 of those months. He further went on to advise the Commission that they manage the landfill six days a week, covering daily and that the County contract provides them with \$3,300 per month. Mr. Barney indicated this is insufficient to cover the equipment repair and replacement costs as well as the wages. He further inquired as to what they should do, noting that they are getting further behind. He expressed concern that it appeared that the Commission was possibly considering using Johansen & Tuttle Engineering to survey the plat in that such monies should be spent in reimbursing them for their costs. He again reminded the Commission that the present pit would be full in September.

The Commission asked Mr. Barney if he had any recommendations as to whether the County should re-bid it based on the new requirements. Mr. Barney responded in that he did not have any, only that they did not have enough money to cover the present pit every day. He noted that they spend approximately 4 hours per day, six days a week, in the covering. He expressed appreciation to the County

Road Department employees who are excavating the covering material and positioning it where needed.

The Commission suggested that Mr. Barney figure the covering and excavating costs separately and bring them back to the Commission for further consideration as to reimbursement costs. Mr. Barney advised the Commission that Mr. Rusty Lundberg of the Solid and Hazardous Waste has reviewed the plan which they submitted last time before the Commission. He noted that it appeared to be acceptable to them. However, he suggested that the County ask for approval in writing that the proposal is acceptable.

Landfill, cont. . . .

The Commission asked Mr. Barney if the County could reimburse him for those costs involved in developing the plan. Mr. Barney indicated that he did not want reimbursement, that the plan would be a County plan and used at the County's discretion.

Mr. Barney concluded that they would continue under the present conditions until otherwise advised by the Commission. The Commission again requested from Mr. Barney an itemized breakdown of those costs so that the County could consider increasing the contractual amount based on the additional requirements placed upon him.

(18)

#### INDIGENT BURIAL LOCATION

Commission Chairman Clyde Thompson reviewed with the Commission the need to continue to find a location for a County cemetery. Suggested were a couple of locations near the Huntington cemetery. The County Clerk was directed to review these with the property owners as well as any other possible locations and report back to the Commission.

(19)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:44 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

ATTEST

CHAIRMAN



ComMin6-20-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 20, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Clerk, Bruce C. Funk.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the June 6, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to accept the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)  
1989 EMERY COUNTY BUDGET AUDIT REPORT

Commission Chairman Clyde Thompson informed those present that the Commission has received the Emery County annual audit report as completed by Kimball and Roberts for the year 1989 and found everything in order. Commission Chairman Clyde Thompson inquired if anyone present had any comments or questions regarding the audit. There being none, motion was made by Commissioner Duane Collard to accept and approve the audit report as prepared by Kimball and Roberts. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

It was noted that recommendations to the Commission in the management letter would be considered at a later time by the Emery County Commission.

(3)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #901858 through and including #902013 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

Auditor's Business, cont. . . .

The following requisitions were presented to the Commission for consideration and signed by the Commission although no formal motion was made.

Req. #	Item and Description	Amount	Action
45	Cash for Narcotics Buy - Sheriff	1,000.00	Approved

(4)

#### LIBRARY BOARD APPOINTMENT - WILLIAM LUCE

Commissioner Duane Collard presented the name of William Luce of Ferron to be appointed to the Emery County Library Board as the Ferron representative. This is to replace Annetta Mower who has moved, leaving that vacancy. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(5)

#### UTAH POWER AND LIGHT COTTONWOOD/WILBERG WASTE ROCK DISPOSAL - PLANNING AND ZONING REQUEST

Mr. Tracy Jeffs of the Emery County Planning and Zoning Commission introduced Val Payne of Utah Power and Light who presented to the Commission a proposal for the establishment of a waste rock disposal site for materials from the Wilberg Mine. Mr. Payne presented to the Commission drawings outlining the proposed site. He emphasized that the facility would be out of the visual site of people traveling the roads in the area. He noted that the fill height would be approximately 80 feet, it is located on a site of 25 acres and the length of time for use would depend on the life of the mine.

Mr. Tracy Jeffs informed the Commission that the Planning Commission has met and reviewed this matter. It is their recommendation that this be given approval in that they have done everything in accordance to procedures in the Planning and Zoning policy.

Upon recommendation of Mr. Jeffs, motion was made by Commissioner Duane Collard to set the date and time of August 1, 1990, at 11:00 a.m. for a Public Hearing

on the proposed project. This would allow for the 30 day time period after publication to publish in the Emery County Progress on June 26, 1990.

(6)

#### QUESTAR NATURAL GAS PIPELINE RELOCATION

Mr. Dave Woodbury, of Questar Natural Gas Company, came before the Commission to discuss a proposed relocation of a natural gas pipeline. Wherein, he showed to the Commission where the existing 18 inch line which was installed in 1953, lays as well as the proposed new line. He noted that because of extensive coal mining properties held under the pipeline, they have been working with the Questar, cont. . . .

Forest Service and their recommendation to relocate the pipeline. The new pipeline would also be an 18-inch steel natural gas pipe capable of withstanding a 500 psi pressure.

Mr. Tracy Jeffs of the Planning and Zoning Commission advised the Commission that they, too, have reviewed the proposal and are in agreement and recommend relocation of the line as proposed.

Whereupon, motion was made by Commissioner Jerry Mangum to set the public hearing date on the proposed project on August 1, at 11:00 a.m. after the 30-day publication notice. Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present.

(7)

#### ELMO ROAD - DENIAL OF UDOT CLAIM

Emery County Attorney, Scott Johansen reviewed with the Commission improvements made on the Elmo road in 1983. Wherein, the State of Utah, Department of Transportation participated with Emery County for improvements on that road. He noted that this was done approximately six years ago. They have now billed Emery County \$6,742.39 in overages which, as outlined in the original agreement, Emery County would be responsible for any overages. However, Mr. Johansen pointed out that the time period is too late and no funds have been budgeted. He further pointed out that \$9,112.63 was paid by Emery County in preliminary engineering and therefore, it appeared that UDOT would owe the County. It is, therefore, his recommendation that because of the elapsed time period and the uncertainty as to which party owed which as of this date, that the Commission deny payment on this particular claim on this project.

Whereupon, motion was made by Commissioner Jerry Mangum to deny the claim to UDOT for payment on this particular project. Motion was seconded by Commis-

sioner Duane Collard and approved by all members present.

(8)

#### SAN RAFAEL RIVER BRIDGE REPLACEMENT PROJECT

Commissioner Jerry Mangum reviewed with the Commission the Cooperative Agreement for construction of the San Rafael River Bridge, noting that Commission Chairman Clyde Thompson had signed the agreements earlier in order to expedite the project. It was, therefore, his recommendation and motion that the Emery County Commission ratify the Cooperative Agreement, authorizing Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(9)

#### INDIGENT BURIAL

Emery County Clerk, Bruce C. Funk reviewed with the Commission as per their request, inquiries into property located in Huntington for an indigent burial site. He reported that the property owners originally wanted \$9,000 for the property in question, as well as requiring the County to put in improvements. He further went on to report that he has been in contact with the Clawson City Mayor who has indicated that they are in need of some repair to the Clawson cemetery site. Presently, they require vaults in the Clawson cemetery. He indicated that excavation and covering of a grave amounts to a total of \$100. Clawson Town would be willing to give it further consideration if the Commission was willing to make some improvements at the site. He indicated to the Commission that he would pursue the matter further.

(10)

#### SOUTHEASTERN UTAH ASSOCIATION OF GOVERNMENT - PROCUREMENT OUTREACH PROGRAM

Commission Chairman Clyde Thompson reviewed a letter he received from the Southeastern Utah Association of Governments in regards to the procurement outreach program which may involve local contractors for either manufacturing or work. Wherein, the SEUAG asked if the Commission would be interested in participating in the program. It was the consensus of the Commission that Economic Development Director Bryant Anderson will pursue this matter and advise the Commission. Therefore, no action was taken.

(11)

#### SOCIETY OF SEPARATIONISTS INCORPORATED - ELMO VOTING PLACE

Commission Chairman Clyde Thompson briefly mentioned that he had received a

letter from the Society of Separationists, Inc. In the letter, they pointed out the need to separate church and state wherein Emery County uses one church facility for voting purposes. Commission Chairman Clyde Thompson noted that it is the only building available in the community of Elmo. Emery County Clerk, Bruce Funk pointed out that a number of church buildings throughout the state are used for polling places because of a lack of adequate handicapped accessible facilities and that he did not see a problem. However, he would review this in the Clerk's meetings coming up later this month.

(12)

#### GYPSUM RESOURCE DEVELOPMENT - PLANNING AND ZONING

Planning and Zoning Consultant Rodney Despain came before the Commission to review the progress on the gypsum development. He noted that the prime concern has been the impact of such development on the County roads. He then advised the Commission that the project has been broken down into phases. Wherein, phase one is a road test which is a result of the meeting of the Planning and Zoning staff. Wherein, the road would be monitored. After which standards and recommendations could be set. Phase two would be what is termed as long-term-

Gypsum, cont. . . .

low production. Phase three would be a long-term-increased production. Phase four would be the ultimate mine and transportation.

He further went on to review with the Commission, sections 4-29 of the Planning and Zoning Ordinances which allow such temporary uses. He further noted that the Commission would have to approve a finding of similarity and that a 90-day temporary permit would be issued.

Mr. Dave Varga and Mr. Fish of Gypsum Resources reviewed with the Commission their needs and concerns. They pointed out that they have a marketing window which they must be able to determine if they can supply the product in the amounts required. Mr. Despain, Mr. Varga and Mr. Fish further discussed with the Commission the time line schedule for all four phases of the project. They discussed their purpose in being before the Commission today is to solicit approval of the project concept. He further presented to the Commission for their consideration the preliminary cost estimates for the project. He noted that in phase one, monies for immediate road repair have been budgeted with more extensive repairs to follow.

Reviewed with the Commission was the proposed routes when the plant begin operation and then during final production. The Commission indicated that the two prime concerns were the impact upon the road and safety. Mr. Varga responded in that they had also addressed those concerns.

After further discussion, it was the consensus of the Commission that they felt good on either the 90-day temporary permit or the 30-day trial phase. The consensus of the Commission was that they approve the project's concept. It was suggested that the staff meet further and address the safety problems and bring this information back before the Commission in the mid-July Commission meeting.

(12)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:36 p.m. was made by Commissioner Duane Collard , seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1:50 p.m. with all members present.

(13)

#### PERSONNEL ITEMS

Emery County Personnel Administrator Pat Snowball presented the following Personnel Action Forms to the Commission for consideration:

Personnel Items, cont. . . .

A) Floyd Forsyth - Sheriff's Department - Patrol Deputy II - Presented was the Personnel Action Form for Floyd Forsyth to be re-hired in the Sheriff's Department as a Patrol Deputy II, at a Grade 11, Step 1 or a salary of \$1,800 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Floyd Forsyth as presented. Motion was approved by all members present. Effective date is June 1, 1990.

B) Julie Warrington - Elmo Library - Branch Librarian - Presented was the Personnel Action form for Julie Warrington to be hired as a Branch Librarian at the Elmo Library on a regular part-time basis, working 20 - 39 hours per week to be paid at the rate of \$5.00 per hour and shall receive benefits on a pro-rates basis. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Julie Warrington as presented. Motion was approved by all members present. Effective date is July 2, 1990.

C) Roxanne Bohn - Elmo Library - Assistance Branch Librarian - Presented was the Personnel Action form for Roxanne Bohn to be hired as an Assistance Branch Librarian at the Elmo Library on a part-time basis, working up to 20 hours per

week at the rate of \$4.75 per hour. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Roxanne Bohn as presented. Motion was approved by all members present. Effective date is July 2, 1990.

D) Lori H. Brady - Elmo Library - Janitor - Presented was the Personnel Action Form for Lori H. Brady to be hired as the Janitor at the Elmo Library working 10 hours per week at the rate of \$162.00 per month. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Lori H. Brady as presented. Motion was approved by all members present. Effective date is July 2, 1990.

E) JoAnn Taylor - Treasurer's Office - Leave of Absence - Presented was the Leave of Absence request on behalf of JoAnn Taylor in the Treasurer's Office to take a leave of absence without pay in order to attend to her father who is having surgery. It was noted that she does not have any vacation or sick time accrued. This would transpire during the period from June 25 through July 3, 1990. Motion was made by Commissioner Jerry Mangum to authorize Commission Chairman Clyde Thompson to sign the leave of absence of request, noting that JoAnn Taylor and County Treasurer, Elaine Wilson have signed the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(14)

#### ROAD DEPARTMENT BUSINESS

A) Lawrence Highway Bridge Replacement - Road Superintendent Rex Funk together with Howard Tuttle of Johansen and Tuttle Engineering came before the Commission and updated them in regards to the Lawrence Bridge structure. The failing structure has necessitated emergency replacement. Therefore, a bid opening was held today at 11:00 a.m. at the office of Johansen and Tuttle Engineering. Wherein Mr. Tuttle presented to the Commission an abstract of the bids. Two bidders were Minchey Digging in the amount of \$45,100 and Nielsen Construction in the amount of \$46,700 for the installation of a pre-cast concrete arch bridge with the initial cost of the bridge only to the County of approximately \$22,300. It was Mr. Tuttle's recommendation that they accept and award the bid to Minchey Digging. Whereupon, motion was made by Commissioner Jerry Mangum to accept the low bid of Minchey Digging in the amount of \$45,100 for the installation of a pre-cast concrete arch bridge on the Lawrence Road. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Petroleum Storage Tanks - Road Superintendent Rex Funk reviewed with the Commission the cost associated with maintaining and testing the petroleum storage tanks. He further advised the Commission that the Utah State Legisla-

ture has created the Utah Petroleum Storage Tank fund, more commonly referred to as the PST fund. The fund is to help owners and operators meet federal requirements for financial responsibility as to underground storage tank owners. He noted that the Federal requirements show that owners have a \$500,000 per occurrence insurance coverage and also a \$1,000,000 aggregate coverage amount. The PST fund fees would be \$125 per tank annually. The current fiscal year 1990-91 fee would be \$45 per tank per year, due October 1. He noted that Emery County owns 6 tanks.

He further recommended that the gasoline tank be removed from the Green River area as the Road Department has little use for gasoline. Mr. Funk's recommendation and request of the Commission was that he receive authorization to go ahead and get registered. The Commission authorized the same.

(15)

#### EMERY COUNTY LANDFILL - CONTRACT ADJUSTMENT

Commissioner Jerry Mangum reviewed a letter he received from Mr. Ron Barney, Manager of the Emery County Landfill. As per Commission request, Mr. Barney outlined that presently they are covering the landfill six days per week or spending approximately 25-1/2 hours per week, or 102 hours per month. Mr. Barney indicated that under the present contractual agreement, with the increased time to bury the material under the existing guidelines, that sufficient monies are not budgeted. Upon review by the Commission, it was the consensus and agreement that there needs to be an increase in the financial compensation to Mr. Barney to cover the increased labor and equipment costs due to the extra time required in burying the material.

Landfill, cont. . . .

It was Commissioner Mangum's suggestion that if funds in the amount of approximately \$8,000 additional money could be located to finance to help cover those costs associated by Mr. Barney in managing the landfill, that those monies be spread out effective July 1 to December 31, 1990. It was further his recommendation that after that time that the County consider the possibility of operating the landfill. It was the consensus of the other Commissioners present that Commissioner Mangum proceed in locating sufficient funds to offset the additional management costs in the approximate amount of \$8,000 and authorize Commissioner Mangum to do what is necessary in order to resolve the matter.

(15)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:51 p.m. was made by Commissioner Jerry



Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin7-3-90

MINUTES OF THE PUBLIC HEARING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

July 3, 1990

Those present at the meeting were Commissioners Clyde Thompson and Jerry Mangum; County Attorney, Scott Johansen; County Auditor, Karen Truman; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 4:00 p.m. for the purpose of setting the 1990 tax rate and to amend the 1990 Emery County Revenue and Expenditure Budgets.

(1)  
SETTING OF THE 1990 TAX RATE

Emery County Auditor, Karen Truman reviewed with those present the certified tax rate for Emery County 1990 General Budget of 0.002935; 0.000181 Debt Service; 0.000212 Library; 0.000184 Flood Control; and 0.000500 Assessing and Collecting for a total certified tax rate of 0.004012. She also reviewed the proposed tax rate for Emery County 1990 General Fund at 0.002935; Debt Service at 0.000059; Library at 0.000212; Flood Control at 0.000184; and Assessing/Collecting at 0.000500 for a total proposed tax rate of 0.003890. She noted that this is down from the 1989 total approved rate of 0.004040. She indicated that this is a result of increased growth and assessed valuation in the County. Commission Chairman Clyde Thompson asked for comments from those present. There being none, motion was made by Commissioner Jerry Mangum to adopt the new 1990 tax rate as proposed and presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

AMENDING THE 1990 EMERY COUNTY REVENUE AND EXPENDITURE  
BUDGETS - RESOLUTION 7-  
3-90

Emery County Auditor, Karen Truman presented to the Commission for their consideration Resolution 7-3-90 which amends the previously adopted 1990 Emery County Revenue and Expenditure Budgets, noting that revenues increased because of increased growth and increased valuation in the County. Valuation in the county at budget time was \$1,447,324,855.00, the present assessed valuation is \$1,525,887,708.00. The resultant general budget revenue increased from the approved \$4,249,003.00 to the proposed \$4,478,480.00. Flood tax revenues would increase from \$265,000.00 to \$280,763.00. The resultant Library revenue and expenditures would increase from the original adopted budget of \$358,789.00 to \$363,488.00. Adjustments to other general expenditure budgets would be the Flood Disaster budget increased from \$275,760.00 to \$291,523.00; nondepartmental would be increased from \$397,392.00 to \$613,789.00.

Page Two  
Public Hearing  
July 3, 1990

Commission Chairman Clyde Thompson asked for further comments from those present. There being none, motion was made by Commissioner Jerry Mangum to adopt Resolution 7-3-90 amending the previously adopted 1990 Emery County Revenue and Expenditure Budgets and the Library General Revenue and Expenditures budgets as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)

OTHER BUSINESS - COUNTY ATTORNEY BUSINESS

A) 1986 Ford Van - County Attorney, Scott Johansen reviewed his previous discussion with the Commission in regards to the 1986 Ford Van. This being the van with the blown engine. As per the request of the Commission, he has contacted Ford Mortgage Company who is the lien holder, noting that they have agreed to accept the amount of \$7,000 as settlement for the Van.

B) Notice of Claim from Nesha Lee and Scott Lee - County Attorney, Scott Johansen advised the Commission that Emery County has, by and through service on the County Clerk, received notice of claim from Nesha Lee and Scott Lee who were involved in an accident controverting a County road. After further review by Mr. Johansen, it was his recommendation that the Commission deny the two claims. Whereupon, motion was made by Commissioner Jerry Mangum to deny the claim as presented. Motion was seconded by Commission Chairman Clyde

Thompson and approved by all members present.

(4)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 4:27 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin7-18-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

July 18, 1990

Those present at the meeting were Commissioners Clyde Thompson and Jerry Mangum; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m and recognized the absence of Commissioner Duane Collard who is attending County meetings out of the State at this time.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the June 20, 1990, Commission Meeting were reviewed. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the minutes as presented. Motion was approved by all members present.

The minutes of the July 3, 1990, Special Public Hearing in regards to setting the 1990 tax rate and the adjustment on the Emery County Budgets were reviewed. Motion was made by Commissioner Jerry Mangum and seconded by Commission

Chairman Clyde Thompson to approve the minutes as presented. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented Warrant/Check Edit List #902260 through and including #902383 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
46	EMT Training Tapes - Ambulance	1,305.85	Approved
47	Mobile Radio - Road	450.00	Approved

Requisitions, cont.

48	Two Epson Computers & Printers - Road	9,548.00	Approved
49	Power Supply for Computer - Sheriff	3,207.00	Approved
50	15 sixteen-channel Scan Mobile Radios - Sheriff	16,279.00	Approved
51	Radio for new ambulance - Sheriff	2,316.50	Approved
52	Laser Dispatch System - Sheriff	25,000.00	Approved
53	Laser Dispatch System - Sheriff	10,000.00	Approved

Whereupon, the Commission signed the same for purchase.

(3)

SHERIFF'S BUSINESS - EQUIPMENT PURCHASES AND APPROVALS

Emery County Sheriff, Lamar Guymon discussed with the Commission the following items:

A) Replacement Computer - Sheriff Guymon reviewed with the Commission the need to replace the present computer main processing unit in the Sheriff's department. He noted that it is continually down or locked up in programs. He has reviewed this with Spillman who has provided the software and Emery County Electronics Technician Bret Mills who indicates that much of the problem is caused because the CPU sits on the Dispatch console. It is their recommendation that they go to a tower type case with a 450 watt power supply and a 386 processor running at 25 MHz with 8 meg ram and the installation of a 1200 watt UPS system. Whereupon, it was the consensus of the Commission to include this with the requisitions approved previously.

B) Ambulance for Castle Dale - Sheriff Guymon also reviewed with the Commission his request to replace the 1978 Castle Dale ambulance. He asked permission to proceed in soliciting pricing. Thereafter, he would come back to the Commission to obtain final approval prior to purchasing. He indicated that there are grant monies available and that monies are budgeted to cover the majority of the cost, but that the balance would be carried over to next year's budget. He further requested permission of the Commission to order a radio for installation in the ambulance because of the extreme delays in obtaining shipment on the radios.

Sheriff's Business, cont.

Whereupon, motion was made by Commission Chairman Clyde Thompson to authorize Sheriff Guymon to proceed in obtaining pricing on a replacement ambulance for Castle Dale and that he bring that information back to the Commission for further consideration. The motion further included and authorized the ordering of radio equipment for the ambulance at this time, to be included with the other requisitions for approval today. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

C) EMT Intermediate Hourly Wage Increase - Sheriff Guymon also discussed with those present the need to increase the hourly rate of the intermediate EMT's from the present \$7.50 per hour, which is also received by those on a beginning level as well as the drivers. His recommendation is that the Intermediates be paid a straight \$10.00 per hour throughout. Whereas, all EMT's and drivers presently receive \$10.00 for the first hour and \$7.50 each hour thereafter. Commission Chairman Clyde Thompson questioned whether there were sufficient monies in the budget. Sheriff Guymon responded that he felt there was. It was the consensus of the Commission that no action be taken at this time until it

is reviewed further with Commissioner Duane Collard who is absent at this time.

D) Sheriff Posse Radios - Sheriff Guymon reviewed with the Commission a request to replace part of the radios used by the Emery County Sheriff's Posse. He noted that most of the original radios were purchased in 1969 and 1979, and since that time they have received old radios from replacements made in the Sheriff's Department. His request of the Commission was to replace at this time 15 of the 30 radios at a cost of approximately \$1,085.00 each. He noted that the Sheriff's Posse provides excellent service to the Sheriff's Department as well as to the County. After discussion, motion was made by Commissioner Jerry Mangum to authorize the purchase of 15 new radios for the Emery County Sheriff's Posse with monies to come out of the Emery County Special Counsel budget. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

E) Laser Disc Storage System - Sheriff Guymon reviewed with the Commission documentation he received in regards to financing the balance on the laser disc storage system. County Attorney Scott Johansen has also reviewed the documentation and recommended that it was extensive for this size purchase and recommended that an alternative method of payment be considered. After further discussion by those present, it was the consensus that the Sheriff look into his budgets further and see if monies were available to pay those costs in order to expedite shipment of the laser disc storage system.

F) Sheriff's Telephone Fund - Sheriff Guymon indicated that he has changed the telephone system for use by the inmates wherein a \$2.00 assessment is placed on all calls. He further pointed out to the Commission that it generates approximately \$150 to \$200 per month in revenue coming back to the department. After discussions with other jails throughout the State, he inquired of the Commission if those monies could be placed in a commissary account. However,

Sheriff's Business, cont.

after review it was the consensus of the Commission that the Sheriff set up a special account in the Emery County General Fund and that all expenditures and receipts would have to be through that account.

(5)

#### EMERY COUNTY MUSEUM - UTAH POWER AND LIGHT UTILITIES AGREEMENT

Mr. Gene Hess of Utah Power and Light came before the Commission, noting that they were ready to mail out a service agreement for providing electrical power to the Emery County Museum. His purpose in being before the Commission was to request a letter of guarantee from the Commission which would guarantee the

minimum payment as well as including any amounts over the minimum for a period of five years. He indicated further that the agreement would be auto renewable with a window should the County be desirous to cancel. He further pointed out that the cost of running power to the museum is \$19,545.00 over a three year period. This amounts to \$6,515.00 annually for a guaranteed monthly amount of \$542.00 per month. With such commercial buildings, those costs are extended for five years. It was the consensus of the Commission that for budgeting purposes, that they needed a definite amount as to the cost of the utility for which the County would be responsible. Therefore, Commission Chairman Clyde Thompson recommended that Mr. Hess and himself review this matter further with John Judd of the Museum Board and see if a ceiling could be established in regards to the utility expenses. Therefore, no action was taken at this time.

(6)

#### AREA AGENCY ON AGING - RSVP AGREEMENT

Carolyn Randall, RSVP Coordinator in Emery County, presented to the Commission for their consideration and signature the agreement between the Area Agency on Aging and the Association of Governments in regards to funding of the RSVP program. Whereupon, motion was made by Commissioner Jerry Mangum to approve and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. (A final signed copy will be returned to the Clerk's office for their files.)

(7)

#### RUSSELL JENSEN - BUCK HORN ROAD

Mr. & Mrs. Russell Jensen came before the Commission to discuss the County Road in the Buck Horn area which goes through their property. Mr. Jensen expressed concern in that with the hauling of the gypsum by Gypsum Resource Development and the increased traffic on the road that from previous Commission meeting minutes that the County had not addressed his concerns as to speed, dust control and relocation of the road. He further asked the Commission if they had any questions in regards to the correspondence sent to them by his attorney.

Russell Jensen, cont.

Wherein, Commissioner Jerry Mangum pointed out that the letter received indicated that a speed of 25 was acceptable where as the County had recommended a speed of 20. He indicated that the County is proceeding with the BLM in regards to relocating the road and that dust control through that area has been assured by the company doing the hauling.

Mr. Jensen further went on to indicate that they would give 90 days permission if the County would address these items. It was the consensus and understanding of all those present that the County had sufficiently addressed those concerns and that appropriate action was already being taken. Mr. Jensen and his wife were assured that their concerns have been addressed and would be taken care of.

(8)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:00 noon was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

Meeting reconvened at 1:27 p.m. with all members present.

(9)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel Action Forms for Commission consideration:

A) Steve Kemple - Road Department - Presented was the Personnel Action Form for Steve Kemple an Operator II in the Road Department who has completed his six month probationary period to be reclassified from a Grade 11, Step 1 or a salary of \$9.97 per hour to a Grade 11, Step 2 or a salary of \$10.29 per hour. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Steve Kemple as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. Effective date is

B) Randall Stilson - Road Department - Presented was the Personnel Action Form for Randall Stilson an Operator II in the Road Department who has completed his six month probationary period to be reclassified from a Grade 11, Step 1 or a salary of \$9.97 per hour to a Grade 11, Step 2 or a salary of \$10.29 per hour. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Randall Stilson as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. Effective date is

Personnel Items, cont.

C) Keith Sorensen - Road Department - Presented was the Personnel Action Form for Keith Sorensen an Operator II in the Road Department who has completed his six month probationary period to be reclassified from a Grade 11, Step 1 or a salary of \$9.97 per hour to a Grade 11, Step 2 or a salary of \$10.29 per hour. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action



Form for Keith Sorensen as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. Effective date is

D) Roxanne Bohn - Elmo Branch Librarian - Presented was the Personnel Action Form for Roxanne Bohn to be hired as the Elmo Branch Librarian to be paid at the rate of \$5.00 per hour on a regular part-time basis working 20 to 39 hours per week and receiving pro-rated benefits. Mrs. Snowball advised the Commission that the previously approved Branch Librarian was not able to pass the required physical and therefore, in compliance with the Emery County Personnel Policy, she had to be disqualified. Therefore, Jerilyn Mathis has recommended the name of Roxanne Bohn who was previously approved as the assistant librarian, to fill that position. She has passed the required physical. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Roxanne Bohn as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. Effective date is July 2, 1990.

E) Bonnie J. Day - Elmo Assistant Librarian - Presented was the Personnel Action Form for Bonnie J. Day to be hired as the Elmo Assistant Librarian to be paid at the rate of \$4.75 per hour working up to a maximum of 20 hours per week without benefits. She has complete the physical as required. She is to fill the position previously approved for Roxanne Bohn prior to her present appointment as Branch Librarian. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Bonnie J. Day as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

F) Jury Leave Clarification - Pat Snowball reviewed with the Commission the need to clarify jury leave in the Emery County Personnel Policy. Therefore, she presented to the Commission for their consideration a draft memo to all elected officials and department heads which summarizes that should a County employee be called to jury duty, that they would receive full compensation by the County and that any enumeration received for jury duty should be submitted to the County and that the employee would not be required to return to work that day. Whereupon, it was the consensus of the Commission, with discussed revisions to the memo that a letter be sent to elected officials and departments heads as a means of clarifying the Personnel Policy in regards to jury leave until the new awaited policy is received by the Personnel Department.

(10)

#### BRYANT ANDERSON - ECONOMIC DEVELOPMENT - PLANNING AND ZONING REPORT

Mr. Bryant Anderson, having been asked by the Commission to report on his efforts in the Economic Development and Planning and Zoning area, came before

the Commission to bring them up to date. Mr. Anderson indicated that it had been almost a year since his hiring and felt very good about his accomplishments as well as the Economic Development Council. He recognized the efforts on behalf of Scott Truman who had done much in completing the Ferron Golf Course as well as the Four Seasons Resort. He recognized the great potential for economic development. He noted that there appears to be a lot of people who want to be involved. His efforts have been to find out what resources Emery County can offer such as location and the people, noting a great desire on the part of many individuals to start their own business.

He noted that Emery County would be an outstanding vendor base and noted that a lot of truckers bring items and supplies into the County and leave empty. Emery is a well-run County with well-run cities which has impressed many people that he has been in communication with. One of his goals has been a desire to help improve and change attitudes and he feels that progress has been made there. He has done workshops and seminars in regards to helping people who are desirous to establish a business. He has personally received a lot of training which has made him more qualified.

His plans for the future include: Strengthening the committees which have been set up under the Economic Development Council. He is desirous to move the committees forward and improve resource development. Improved signing on I-70. To teach people to provide services. To promote parts on demand in relation to government procurement. He noted that the revolving loan fund is presently about \$538,000 for the four counties. He is working on helping solicit an incubator fund of approximately \$2 million for the four counties.

As to future goals, his efforts will be directed to the development councils in an effort to see that they grow and progress. He would further like to develop a package for submittal to corporations for their consideration in locating in the County. He indicated that he would like to be more aggressive in seeking funds, wherein improving his grant writing skills would be beneficial. He further noted that he presently serves on a number of committees. He further went on to note that Gypsum Resource Development as well as General Manufacturing could have employment on the low end of 50 people and a high of approximately 200.

(11)

#### STATE COURT CONTRACT AGREEMENT

Emery County Clerk, Bruce Funk presented to the Commission for their consideration Appendix A of the State Court contractual agreement for the fiscal year 1990-91 which covers reimbursement to the County for services in the Seventh Judicial Circuit and District Courts. Wherein, they will pay the sum of Court

Contract, cont.

\$105,604.00 for the fiscal year, noting that this covers both the salary and benefits in the Clerk's office as well as supplies computer expense and space reimbursement. This is down from previous years because of the consolidation of the Courts into one court room.

After further consideration, motion was made by Commissioner Jerry Mangum to approve and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commission Chairmen Clyde THompson and approved by all members present.

(12)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:20 p.m. was made by Commissioner Jerry Mangum, seconded by Commission Chairman Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin8-1-90

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

August 1, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson.

A review of the agenda was made.

(1)

## COMMISSIONERS MINUTES

The minutes of the July 18, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to accept the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(2)

### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #902395 through and including #902534 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
54	Wet/Dry Vacuum - Sheriff	209.48	Approved
55	Laserjet Printer - Sheriff	1798.00	Approved

Motion was made by Commissioner Duane Collard to approve all requisitions for purchase. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(3)

### BOARD OF EQUALIZATION DATE

Motion was made by Commission Chairman Clyde Thompson to set the date of August 22, 1990, as the Board of Equalization day at the Emery County Courthouse to begin at 10:00 a.m. and August 23, 1990, for Board of Equalization day at Green River at the Sheriff's building to begin at 10:00 a.m. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(4)

### BLM ADVISORY BOARD APPOINTMENT - BEVAN WILSON

Commissioner Jerry Mangum informed the Commission of the need to reappoint Bevan Wilson to the BLM Advisory Board. He further indicated that Mr. Wilson has agreed to be reappointed. Whereupon, motion was made by Commissioner Jerry Mangum to recommend the reappointment of Bevan Wilson to the BLM Advisory Board. Motion was seconded by Commissioner Duane Collard and approved by all

members present.

(5)

#### EMERY COUNTY AMBULANCE - COLLECTION SERVICE

Commissioner Duane Collard briefly reviewed with those present a contract for collection on past-due ambulance bills. Commissioner Duane Collard further noted that he was not sure if it was worth while to get into this type of agreement and asked Sheriff, Lamar Guymon as to how many ambulance bills they had to collect. Sheriff Guymon reported there is a considerable number. Commissioner Duane Collard expressed some of his concerns and recommended that the Commission take no action at this time until he has an opportunity to consider it further. Therefore, no action was taken at this time.

(6)

#### EMT INTERMEDIATE HOURLY WAGE INCREASE

Sheriff Lamar Guymon asked the Commission at this time if they have had an opportunity to consider his request of the last Commission meeting wherein he had requested that the intermediate EMT's be increased from the \$7.50 per hour to a straight \$10.00 per hour for their services.

Commissioner Collard questioned whether there were sufficient monies available in the budget. It was the consensus of the Commission that if monies were available in this year's budget that they had no problem in going ahead. Therefore, motion was made by Commissioner Duane Collard that if sufficient monies are available in this year's budget, that the intermediate EMT's be raised to a straight hourly rate of \$10.00 per hour. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(7)

#### PUBLIC HEARING - UTAH POWER AND LIGHT MINE WASTE ROCK STORAGE FACILITY

Commission Chairman Clyde Thompson, recognizing the hour as 11:00 a.m., opened the meeting to public hearing to consider the approval of two large-scale development projects. The first one being considered at this time is a proposal from Utah Power and Light to establish a mine waste rock storage facility in the vicinity of the Cottonwood/Wilberg Mine. Mr. Val Payne, of UP&L, was also present.

Commission Chairman Clyde Thompson inquired of those present if they would like to make any comments in regards to the project. There were no comments, either from those present or any written comments received by the County. Mr. Payne

confirmed that no comments had been received by Utah Power and Light in regards to the proposal. Planning and Zoning Administrator Bryan Anderson noted that he, too, has received no comments. Therefore, Commission Chairman Clyde Thompson closed the public hearing on the Mine Waste Rock Storage Facility.

The Commission inquired of Mr. Val Payne if UP&L still planned to plant trees at the Coal Wash facility. Mr. Payne indicated that they did and he would follow up as well as address the other Commission concerns such as dust control.

(8)

#### PUBLIC HEARING - QUESTAR PIPELINE RELOCATION

Commission Chairman Clyde Thompson opened this portion of the Public Hearing for public input in regards to a proposal from Questar Pipeline to relocate the existing natural gas transmission line in the vicinity of township 13, south range 6 east of the SLB&N. Commission Chairman Thompson and Bryant Anderson indicated that the County has not received any written comments. Commission Chairman Clyde Thompson inquired of those present if they had any comments in regards to the proposed relocation of the pipeline. Mr. Dave Woodbury, representing Questar, was also present. The Commission inquired of Mr. Woodbury if he had received any comments. Mr. Woodbury indicated that they had, with most comments in a supportive effort. He then discussed those with the Commission. He further went on to note that all comments received would be addressed in their environmental impact statement. He further noted that the Forest Service has approved the project.

Commission Chairman Clyde Thompson, as a result of no other comments, closed the Public Hearing at 11:14 a.m. Whereupon, motion was made by Commissioner Duane Collard to close the Public Hearing at 11:14 a.m. and having held the Public Hearing and received no comments, to approve the UP&L request to establish a mine waste rock storage facility in the vicinity of the Cottonwood/Wilberg Mine and the Questar Pipeline request to relocate the existing natural gas transmission line. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(10)

#### ECONOMIC DEVELOPMENT

Economic Development Director, Bryant Anderson came before the Commission to update them as to those things transpiring at this time. He indicated that General Manufacturing has informed him that they doubt they will locate in Emery County. This is primarily because of the cost to locate at the Long

Airdox building at Huntington. He went on to point out that Mr. Lee Star who is working at the titanium claims in the Miller Canyon area would like to meet with the Commission. In regards to the Four Seasons Project, Phelps Dodge is willing to sell land in that area. Mr. Anderson went on to review with the Commission the revolving loan fund and the incubator fund and how those could be used to encourage business location in Emery County.

(11)

#### BUSINESS LICENSE - SEQUOYA BOARDING-GROOMING

Planning and Zoning Director Bryant Anderson presented to the Commission for their consideration the application for a business license from Doug and Cheryl Sorensen. The business would be known as Sequoya Boarding and Grooming who also specialize in Shetland Sheep dogs. Mr. Anderson noted that they are pending the purchase of a home near Rock Canyon and would like to open a boarding and grooming facility for boarding dogs, cats and small animals and the raising and handling of dogs. It was questioned as to whether this fulfilled the guidelines of an in-home occupation as allowed in the County. Mr. Anderson indicated that he would meet further with the Sorensen's and review it. Whereupon, motion was made by Commissioner Duane Collard to approve the Business License subject to the Planning and Zoning Director finding that it does meet the requirements for an in-home occupation. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(12)

#### GYPSUM RESOURCE DEVELOPMENT

Economic Development Director, Bryant Anderson, together with Dave Varga of Gypsum Resource Development, addressed the Commission. Mr. Anderson pointed out that they had just received a draft resolution for Commission consideration. Mr. Varga pointed out that with the completion of the signing of such a document that this would be the start of the final signatures and seriously getting on with the project. He expressed concern in the length of time taken in the past by the County such as in the document just received.

Commissioner Duane Collard discussed the purpose of the 90-day permit, which is to determine what the County is up against. He reminded Mr. Varga that on numerous occasions it has been explained to GRD that the road is the major bottle neck and concern of the County. The County has processed activities in a timely manner as they have come to them. He further went on to indicate that if GRD fulfills their part of the agreement, that the County has no reason

Gypsum Resource Development, cont. . . .

to stop the continued use of the road. Mr. Varga felt that his company had

generated many of the required documents in a timely manner, and yet there appears to be great delays in time on the part of the County Planning and Zoning staff. He indicated that there is a need for more planning work prior to coming before the Commission meeting.

Bryant Anderson responded in that the County has performed in good faith and renewed his recommendation that all parties proceed with the 90-day permit. Thereafter, Mr. Varga reviewed with the Commission the proposed draft resolution as prepared by the planning and zoning consultant Rodney Despain and made certain clarifications there. Mr. Varga further noted that he had been requested by Dan Fish as to why the document did not include a 50/50 participation by the County on the road improvements.

Whereupon, all Commissioners agreed that never in any of the discussions has the County agreed to any such participation. The County was only to furnish crushed gravel and the only roads that the County has participated on were coal haul roads. This is because they receive mineral lease monies from those and those monies have been used only for the County's portion.

Commissioner Duane Collard at this time reemphasized that GRD would have to be responsible for upgrading their haul road and the County cannot be. He expressed appreciation to GRD and working with Mr. Varga, he didn't foresee problems and continued use of the road depends on GRD.

Mr. Varga gave an update on the market, indicating that he has sales for all the gypsum that can be produced with no supplies going to the local mines. Mr. Varga expressed appreciation to the Commission for their assistance. He further asked that the resolution be taken back to Planning and Zoning and redrafted with those insertions that the County needs to have in.

(12)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:30 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:46 p.m. with all members present.

(13)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the Personnel Requisition Form for the Sheriff's office to fill the vacancy created by Kathy Cannon who is moving



from the area. The vacancy is to be filled as soon as possible. Discussed with the Commission was the Job Physical Demand (JPD) category V because it includes the matron duties that such a job physical be required in that category. Whereupon, motion was made by Commission Chairman Clyde Thompson to approve the Personnel Requisition Form for a Secretary in the Sheriff's Office as presented and authorize the recruitment process to begin. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(14)

#### CUSTODIAL CONTRACT - SALARY INCREASE

Mr. Dennis Fuller, contractor for custodial services in the courthouse, Sheriff's office and maintenance on the County libraries, came before the Commission asking for an increase in his contract comparable with that increase received by other County employees. He further went on to note that he presently maintains the libraries throughout the County, now with the addition of the Elmo library, that additional compensation would be appreciated. Commissioner Duane Collard asked Mr. Fuller to review this with Emery County Librarian Jerilyn Mathis and to build those costs into the budget for next year and also to do the same with the courthouse budget increase request for the Commission to consider at budget time.

Mr. Fuller also discussed and reviewed with the Commission plumbing problems at the Sheriff's office. It was the consensus of the Commission that it needs to be taken care of if there is leaking or other problems there.

(15)

#### BEAR CANYON ROAD - CO-OP MINE REQUEST

Mr. Wendall Owens, together with Mr. Gerald Hansen, came before the Commission to request that the County reestablish the road in Bear Canyon as a County road and that the County black top that road up to where their scales are. Commissioner Jerry Mangum pointed out that this would create problems with other mines, wherein they would want the same. Mr. Owens pointed out that this was originally a County road and that in the original agreement that it provided for access by others, including the general public, Beaver Creek Coal, governmental agencies, suppliers and customers of the mine and that it is not a private road and that a gate had been placed for the convenience of the mine at that time.

Co-Op Mine, cont. . . .

Road Superintendent, Rex Funk pointed out that at present they do not receive funds for that road. It was the suggestion of the Commission that Rex Funk check with DOGM and the State and establish whether that was a County road at

the time. Mr. Owens agreed to furnish to the County a copy of the original agreement discussed today, noting that the length of road that is being considered is probably less than 1/2 mile. Therefore, the Commission would later reevaluate this.

(16)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:51 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin8-15-90

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

August 15, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the August 1, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the minutes as corrected. Motion was approved by all members present.

(2)

## AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented Warrant/Check Edit List #902647 through and including #902794 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
56	Raft, Trailer & Access. - Sheriff	4,730.00	Approved
57	Forensic Optical Comparator - Sheriff	1,495.00	Approved

Whereupon, the Commission approved the requisitions for purchase.

(3)

### FELICIA VAN SICKLE - MISS EMERY COUNTY

Commission Chairman Clyde Thompson reviewed with the Commission a request received from Miss Emery County, Felicia Van Sickle. Miss Van Sickle is requesting the County to pay half of her expenses to attend the State Fair Pageant, or \$250.00. After further discussion, it was the consensus of the Commission to deny her request.

(4)

### EMERY COUNTY NURSING HOME - INTRODUCTION OF NEW ADMINISTRATOR

Mr. Lewis Garrett, of Heritage Management, addressed the Commission and formally expressed appreciation to John Bramall, the Emery County Nursing Home Administrator. Mr. Garrett informed the Commission that Mr. Bramall has accepted a position at the Hurricane Nursing Home and will be leaving Emery County. Mr. Garrett introduced Todd Winder, who will be the new Emery County Nursing Home Administrator. He indicated that Mr. Winder has formerly been at their facility in Heber and has recently been working in Logan.

John Bramall addressed the Commission and thanked them for the support they have given to him and the Nursing Home. He indicated that he has enjoyed working at the Nursing Home and attributes a lot of that to a good staff. The

Commission thanked Mr. Bramall for his efforts at the Nursing Home and indicated they are proud of him and the work he has done.

Todd Winder briefly addressed the Commission and introduced himself. The Commission welcomed Mr. Winder to the Nursing Home.

(5)

#### SHERIFF'S BUSINESS

A) Pumper and Mini-Pumpers - Sheriff, Lamar Guymon addressed the Commission regarding the purchase of one pumper and seven mini-pumper fire trucks. He indicated the price for a new pumper truck is \$148,000 and inquired if the remaining \$75,000 in this year's budget could be rolled over to next year's budget to use in the purchase of the new pumper truck. After further discussion, it was the consensus of the Commission that Sheriff Guymon begin the process this year and look into using the \$75,000 in this year's budget as a down payment towards the pumper truck. No further Commission action was taken.

B) Ambulance Billing Collection Contract - Sheriff Guymon informed the Commission that he is still checking into a Collection Contract for the Ambulance Billings and will get back to them at a later date.

Sheriff's Business, cont. . . .

C) Emery Medical Center - Sheriff Guymon informed the Commission that they are no longer involved with the after-hours emergency calls at the Emery Medical Center. He indicated that those contacting the Medical Center after hours are directed to call Castlevue Hospital. He further noted that several Emery County residents are not happy with no doctor being on call or after-hours service provided by the Medical Center.

(6)

#### STAN BAKER & GLADE LONGMORE - EMERY COUNTY FIRE WARDEN

Mr. Stan Baker and Glade Longmore came before the Commission to discuss the possibility of putting excess equipment in the Joe's Valley area. Mr. Longmore indicated that he has had a meeting with the residents in Joe's Valley who have indicated their desire to have a fire truck placed in their community. Mr. Longmore indicated several people have voiced a desire to be a part of a response team. Sheriff Guymon indicated the problem in the past has been the liability being too high and that the residents are not in the Joe's Valley area all the time to be able to have a response team organized.

Mr. Longmore informed the Commission of his concern in regards to the fire maintenance budget set up for repair costs. He indicated he would like to be informed when money is spent from the budget. He indicated that the Ferron Fire Department indicated they used money from the budget last year and this year to purchase hoses and a new battery. Sheriff Guymon indicated that he was not aware of any money being spent out of the budget because he is the one who has to approve those expenditures and he has not been asked to approve any. Commissioner Collard indicated he will look into this matter.

Mr. Longmore indicated that he would like to know where his response area is. Mr. Baker indicated that it is Mr. Longmore's responsibility to respond to all wildland fires on both State and private properties. Sheriff Guymon informed the Commission of the City Fire Chiefs concerns when Mr. Longmore responds to the same fires as they do. Discussed was the need to determine a chain of command in these types of situations. After further discussion, it was the consensus that a meeting needed to be set up with the Sheriff, Mr. Longmore and the Fire Chiefs from all the cities.

(7)

#### DARRELL LEAMASTER - COMMUNITY IMPACT BOARD PROBLEMS

Mr. Darrell Leamaster, of the Castle Valley Special Service District, together with Craig Johansen and Dennis Worwood, came before the Commission in regards to the Community Impact Board. Mr. Leamaster indicated they have made requests of the Community Impact Board for help with a new city hall for Ferron and storm drains in both Huntington and Cleveland, but have been denied. Mr. Leamaster requested help from the Commission in trying to get the Community Impact Board to help them with grants and loans for these types of projects.

Darrell Leamaster, cont. . . .

Mr. Leamaster indicated Emery County is not getting the attention it needs. Mr. Leamaster furnished the Commission with a print out of how much several counties put into the Community Impact Board and how much they receive back, where Emery County is the second lowest, receiving only 12% back.

After further discussion, Commissioner Collard indicated he is willing to go with those going before the Community Impact Board to lend any help necessary on behalf of the Commission.

(8)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:15 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members

present.

Meeting reconvened at 1:40 p.m. with all members present.

(9)

ATTORNEY'S BUSINESS

County Attorney, Scott Johansen reviewed with the Commission a billing he received from the law firm Aldrich, Nelson, Weight and Esplin for services to Jerry Salerno for a mental hearing in the amount of \$150.00. Upon recommendation of Mr. Johansen, motion was made by Commissioner Jerry Mangum to deny the claim for services for Jerry Salerno. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(10)

SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS - AREA AGENCY ON AGING CONTRACT

Motion was made by Commissioner Duane Collard to approve the contract agreement between the Southeastern Utah Association of Local Governments Area Agency on Aging and Emery County. The contract will provide the funding necessary for the administration of the Nutrition and Socialization/Recreation Programs for senior citizens. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(11)

RESOLUTION 8-15-90A - AMENDING THE PERSONNEL POLICY

Personnel Director, Pat Snowball presented to the Commission Resolution 8-15-90A. This Resolution amends the Personnel Policy and creates the position of Title and Registration Technician. This position will be filled by Terry Draney who is currently performing the duties outlined in the Resolution. Mrs. Snowball informed the Commission that it will be at the current Grade that

Resolution 8-15-90A, cont. . . .

Terry Draney is at now. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve Resolution 8-15-90A as presented. Motion was approved by all members present.

(12)

PERSONNEL ITEMS

Personnel Technician, Pat Snowball presented to the Commission the following

personnel items:

A) Career Service Council Appointments - Mrs. Snowball requested Commission approval to reappoint Utahna Wilson and appoint John Crawford to serve on the Career Service Council. These are three-year terms which begin June 30. Mrs. Snowball indicated Mrs. Wilson's term began in 1989 and would run to 1992. Mrs. Snowball indicated she is still working on one other person to appoint to the council. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to appoint Utahna Wilson and John Crawford to serve on the Career Service Council. Motion was approved by all members present.

B) Insurance Policy Wording Change - Mrs. Snowball addressed the Commission and brought to their attention a conflict in wording between the Personnel Policy and the insurance policy. Wherein, the Personnel Policy indicates that a Career Service employee working 20 to 39 hours per week can pay the premium and receive insurance benefits. Whereas, the county insurance policy reads those working 30 to 39 hours per week can pay for and receive the insurance. Whereupon, motion was made by Commissioner Duane Collard to change the insurance policy to read a Career Service employee working 20 to 39 hours per week can pay the premium and receive insurance benefits which will match the wording in the Personnel Policy. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

C) Emery Library Janitor - Presented was the Personnel Requisition Form for a Janitor at the Emery Library. This would be on a part-time basis, working 10 hours per week at the rate of \$161.00 per month. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to proceed with the recruitment process to fill the position of Janitor at the Emery Library. Motion was approved by all members present.

D) Rex Funk-Road Superintendent - Presented was the Personnel Action Form for Road Superintendent Rex Funk to be reclassified from a Grade 17, Step 5 to a Grade 17, Step 9 or a salary of \$3,072 per month. Mrs. Snowball indicated this is approximately the same salary Ron Barney was receiving when Mr. Funk took over that position. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for Rex Funk as presented. Motion was approved by all members present. This is retroactive to August 1, 1990.

Personnel Items, cont. . . .

E) J. Bryant Anderson-Planning & Zoning/Economic Development Director - Presented was the Personnel Action Form for J. Bryant Anderson, the Planning & Zoning/Economic Development Director to receive a probationary increase from a

Grade 15, Step 1 to a Grade 15, Step 2 or a salary of \$2,199 per month. Motion was made Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for J. Bryant Anderson as presented. Motion was approved by all members present.

F) Deferred Savings Plan-Bonnie Sweat - Mrs. Snowball informed the Commission that Bonnie Sweat will be coming to Emery County on September 4 and 5 to discuss with the County employees the new options with their deferred savings plan. Mrs. Snowball inquired of the Commission if she could put a notice with the next payroll checks informing the County employees when Ms. Sweat will be here. Whereupon, it was the consensus of the Commission that would be okay.

(13)

#### GYPSUM RESOURCE DEVELOPMENT - RESOLUTION 8-15-90B

Mr. Bryant Anderson, Economic Development Director, and Mr. Dave Varga, Gypsum Resource Development, came before the Commission requesting approval of Resolution 8-15-90B. This Resolution gives GRD until October 1, 1990, to bring the road up to grade and allow them a 90-day temporary use permit after they once start hauling.

After discussion, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to accept and approve Resolution 8-15-90B after Mr. Anderson has made the changes discussed in this meeting today. Motion was approved by all members present.

(14)

#### ROAD DEPARTMENT BUSINESS

County Road Superintendent, Rex Funk requested approval of the Commission the disposition of a 1979 John Deere Grader, Serial #7823-T and a 1978 John Deere Grader, Serial #004817-T which will be traded in the future to obtain other Road Department Equipment. Whereupon, the Commission approved the disposition of the two John Deere Graders as presented.

(15)

#### OTHER BUSINESS

A) Utah Department of Transportation - Signing on I-70 - The Commission discussed with those present the need to set up a meeting with Steven Noble, District 4 Director of the Utah Department of Transportation, to discuss signing on I-70. Whereupon, a meeting was set up for Monday, August 20, 1990, at 10:00 a.m.



Other Business, cont. . . .

B) Green River Medical Center - X-Ray Processor - Commission Chairman Clyde Thompson discussed with the Commission a letter received from the Green River Medical Center. The Medical Center indicates their X-Ray Processor has gone out and they are in need of a new one. Their request of the Commission is to pay one-half of the purchase price, or \$2,500, for a new one and Grand County will pay the other half of the purchase price. After discussion, it was the consensus of the Commission that they would look into the budget to see if there were sufficient monies for such a purchase.

C) Snowmobile Parking - Commissioner Collard indicated that he has been unable to make any progress with the Forest Service in regards to a snowmobile parking area. He will continue his efforts towards this in the future.

(16)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:15 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

ATTEST

CHAIRMAN

ComMin9-5-90

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

September 5, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the August 15, 1990, Commission meeting were reviewed. Motion was made by Commissioner Jerry Mangum to approve the minutes as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #902806 through and including #903088 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
58	Two conference tables bases - Sheriff	976.00	Approved
59	Two bulletin boards - Sheriff	354.00	Approved
60	Chairs for conference tables - Sheriff	996.00	Approved
61	Automatic feed for mailing machine - Central Purchasing	700.00	Approved

Auditor's business, cont. . . .

Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisitions for purchase.

(3)  
EMPLOYEE STATE RETIREMENT - CONTRIBUTOR VS. NON-CONTRIBUTOR

Emery County Personnel Director, Pat Snowball, together with Auditor, Karen Truman discussed with the Commission their meeting with the Utah State

Retirement Representative Bonnie Sweat. They pointed out that the present contributory retirement program is being phased out. The County presently contributes 6% on behalf of the employee and another 2.35% into the system. The new proposed non-contributory plan requires the employer to contribute 6.85% and the additional 1.4% could be applied to a 401K or equivalent retirement or investment program. They further emphasized that upon retirement, the benefits on the non-contributory plan are based at 2%, whereas the current contributory program would only offer 1.25% upon retirement. It was noted that a decision needed to be made by December 31, 1990, by the County.

Commissioner Duane Collard pointed out that it is the obligation of the employer to make sure that they have installed a retirement program that does work. Whereas, the present system does not work in that it encourages people to terminate employment in order to receive those funds on deposit in their name. After further discussion, motion was made by Commissioner Duane Collard to switch to the non-contributory fund at a rate of 6.85% and put the additional 1.4% into a 401K type program. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Commissioner Duane Collard advised those present that he has been looking into the Public Safety Employees Retirement Program, effecting the Sheriff's Department. He noted that most public safety officials in the State belong to this retirement program. The purpose of it is to promote early retirement, which after 20 years of service they can retire at 50% of their salary. If they stay for 30 years of service, it will be at 70% of their salary. He further noted that this would be at the cost of 17% contribution by the County, whereas other County employees are receiving an 8.53%. It was further pointed out that studies have shown this to be beneficial to the employer. Whereupon, it was the consensus of the Commission that this might be offered as an alternative plan to those employees with some possible contribution by them.

(5)

#### MILLSITE GOLF COURSE - BUSINESS AND ALCOHOLIC BEVERAGE LICENSE RENEWAL

Emery County Clerk, Bruce C. Funk presented to the Commission for their consideration the business license and alcoholic beverage license application for Millsite Golf Course on behalf of Jerry Braun. These are renewals with the effective date on the Alcoholic Beverage License from January 1, 1990, to December 31, 1990. Mr. Funk inquired of the Commission if because of the license being a renewal, if there was a need to get the Department of Health signatures in order to expedite the renewal. Whereupon, motion was made by Commissioner Duane Collard to approve the renewal of the business license and alcoholic beverage license for Millsite Golf Course, authorizing the Commission

and Emery County Sheriff Lamar Guymon to sign the same. Motion was seconded by Commission Chairman Clyde Thompson. Commissioner Jerry Mangum abstained. Whereupon, motion passed.

(6)  
ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:03 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:24 p.m. with all members present.

(7)  
COUNTY ATTORNEY BUSINESS - TEMPORARY HIRE OF SPECIAL PROSECUTOR

Emery County Attorney, Scott Johansen briefly discussed with the Commission the need to hire some additional help in preparing for two upcoming criminal cases. He asked permission of the Commission to hire Wendy Huffnagel who is a special prosecutor to assist in putting together these two cases in behalf of the County Attorney's office. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the temporary hire of Wendy Huffnagel as a special prosecutor in the County Attorney's office to be paid at the rate of \$35.00 per hour with payment to come out of the special counsel budget. Motion was approved by all members present.

(8)  
OUT OF TOWN TRAVEL - COMMISSIONER DUANE COLLARD - WATER RESOURCE MEETING

The Commission reviewed the agendas for the upcoming meetings on Water Resources. It was the consensus of the Commission that Commissioner Duane Collard be approved for out of state travel to attend the Water Resource meeting in Nevada.

(9)  
ROAD DEPARTMENT BUSINESS

A) Utah Department of Transportation-Washboard Wash Billing - Road Superintendent, Rex Funk reviewed with the Commission another bill received from the Utah Department of Transportation for \$6,700 in regards to the Wash Board Wash road. He noted that this claim was previously denied by the County Commission upon recommendation of County Attorney, Scott Johansen. He noted

that this bill is six to seven years after the project was completed and that no special funds have been budgeted or set aside to cover those costs.

B) Landfill - The Commission gave Mr. Funk a FAXed letter received from the State Department of Health from Jeff Emmons, wherein they have requested suggestions and recommendations from local authorities as to the operation of landfills and proposed methods to finance state guidelines. It was further noted that the recommendations were due by September 10.

(10)

#### PERSONNEL ITEMS

Emery County Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Keith Ware - Appointment to the Career Service Council - Presented was the name of Keith Ware to serve on the Career Service Council, noting that he has been contacted and has agreed to this. Whereupon, motion was made by Commissioner Jerry Mangum to approve the appointment of Keith Ware as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Vehicle Insurance Budget Deficit - Mrs. Snowball reviewed with the Commission the budget line item as it applies to vehicle insurance, noting that it is over the budget. This is because new vehicles have been added and the costs have exceeded those originally anticipated at budget time. It was also pointed out by members of the Commission that also effecting this additional cost is a result of not disposing of the older vehicles. Mrs. Snowball will keep an eye on the problem, pointing out that the entire insurance budget is still okay and will keep the Commission updated.

C) Stan Nielson - Mrs. Snowball advised the Commission that in 1988 Stan Nielson's salary was red-circled because it exceeded the salary plan. She further pointed out that he did receive the \$1,080 at the first of this year. However, his monthly earnings had to be decreased by \$62.24. Therefore, the red circle has been removed from his salary and he now fits on a Grade 11, Step 9, within the salary plan.

Personnel Items, cont. . . .

D) Terry Draney-Title and Registration Technician - Mrs. Snowball presented the Personnel Action Form for Terry Draney to fill the position approved previously by the Commission of Title and Registration Technician. Terry Draney will remain at a Grade 5, Step 2 or a salary of \$1,306 per month.

Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Terry Draney as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present. Effective date is August 15, 1990.

E) Brenda Lee Clark-Emery Library Janitor - Presented was the Personnel Action Form for Brenda Lee Clark to be hired as the Emery Library Janitor to be paid \$161.00 per month, working 10 hours per week. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Brenda Lee Clark as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present. Effective date is September 4, 1990.

F) Sandy Needham-Grim-Sheriff's Department Secretary - Presented was the Personnel Action Form for Sandy Needham-Grim to be hired as a Secretary in the Sheriff's Office at a grade 5, Step 1 or a salary of \$1,266 per month. Motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Sandy Needham-Grim as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present. Effective date is August 27, 1990.

(10)

#### EMERY RECYCLING - RON BARNEY - PERMISSION TO USE COUNTY ROAD

Ron Barney, Owner of Emery Recycling came before the Commission requesting permission to use the present access road into their commercial landfill. He further asked for a 50' wide easement in his name to assure access. County Attorney, Scott Johansen outlined the procedure, noting that it is not a designated road and that the road is used for mixing County road oil. Mr. Barney indicated that mixing oil there was not a hindrance. From his measurements and working together with Abstractor Jim Bartorelli they have prepared a description and easement. Mr. Johansen advised the Commission that the County has a typical form for issuance of easements if the Commission was so desirous in incorporating many of the typical restrictions.

Mr. Barney again emphasized that he did not want to limit or restrict the County from mixing the oil. The information was given to County Attorney Scott Johansen to bring back to the Commission for further consideration.

(11)

#### RON BARNEY - NON-COMPLIANCE OF NIELSEN LANDFILL WITH COUNTY GUIDELINES

Mr. Ron Barney, Owner of Emery Recycling came before the Commission and introduced Mr. Barry Chynoweth, an Attorney from Washington D.C., who discussed with the Commission possible non-compliance of the Nielsen Landfill. Mr.

Chynoweth went on to discuss with the Commission his background and recent visits with the State of Utah, Department of Solid Waste and Hazard. He pointed out that legislation for implementing and enforcing solid and hazardous waste landfills lies within the State and local governments. However, his observation of the State is that they have basically thrown their hands up and put it into the hands of the Counties. He pointed out that next month, federal guidelines will be out which define more closely the depositing of such materials in landfills.

In regards to the Nielson Landfill, he pointed out that it originally was for the depositing of materials from coal mine operations. He has visited the facility and described it as an open dump. Although, it appeared that the County made efforts to put restrictions initially on the site and questioned the County's enforcement method. Among those things addressed were no daily cover, suggesting that it has not been covered for years. Secondly, was the requirement for fencing and there appeared to be only a barbed wire fence on the perimeter, not the chain-link fencing as specified. There presently is no business license for the landfill and salvaging is taking place. He, therefore, requested that the County look into the operation of that landfill and ask the operator to keep up his end of the bargain, honoring the commitment entered into with Emery County.

He further presented to the Commission photographs taken of the landfill and asked if there were any questions. There being none, Commissioner Duane Collard expressed appreciation for calling this to their attention and that they would investigate the landfill.

(12)

#### STATE CORRECTIONS - LEASE AGREEMENT

County Clerk, Bruce Funk presented to the Commission for their consideration a lease agreement between Emery County and the State Department of Corrections for the office occupied by Adult Probation and Parole consisting of 110 square feet. This was previously reviewed by the Commission. Motion was made by Commissioner Jerry Mangum and seconded by Commission Chairman Clyde Thompson to approve the lease agreement for space provided to State Corrections. Motion was approved by all members present.

(13)

#### GREEN RIVER CITY - CIB LOAN

Emery County Attorney, Scott Johansen reviewed with the Commission a request on behalf of Green River City in that they have solicited a letter from the Emery and Grand County Commissions wherein Green River is applying for a loan.

The letter from the Commission supports Green River City in using up to \$3,500 of any monies received from the County as payment toward the loan.

(14)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:33 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin9-19-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

September 19, 1990

Those present at the meeting were Commissioners Clyde Thompson, Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m. Commissioner Jerry Mangum was excused because he was away on personal business.

Invocation was given by Clerk, Bruce C. Funk.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the September 5, 1990, Commission meeting were reviewed and corrected. A motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.



(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #903090 through and including #903260 for payment. Motion was made by Commissioner Duane Collard and seconded by Commission Chairman Clyde Thompson to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
62	One copier and stand - Treasurer	2,230.00	Approved
63	One dump level - Road Department	100.00	Approved
64	One radio - Road Department	119.00	Approved

2

Commission Minutes  
September 19, 1990

Auditor's business, cont. . . .

Req. #	Item and Description	Amount	Action
65	Sign measuring wheel - Road Department	115.00	Approved
66	Fujitsu - DL3300 printer - Commission	465.00	Approved

Whereupon, motion was made by Commissioner Duane Collard to approve the requisitions for purchase. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(3)

RESOLUTION 9-19-90A - TRANSFERRING FUNDS TO THE TAX STABILITY  
AND TRUST FUND

Emery County Auditor, Karen Truman presented to the Commission for their consideration Resolution No. 9-19-90A. This resolution transfers \$1,000,000 which is in the unappropriated fund balance in the General Fund to the Tax Stability and Trust Fund created by the Emery County Ordinance No. 7-9-80D. The resolution further requires that the interest generated by the Tax Stability and Trust Fund for 1989 be added to the principal of the Trust Fund and not be returned to the General Fund. Whereupon motion was made by Commissioner Duane Collard to approve Resolution 9-19-90A transferring \$1,000,000 in the General Fund to the Tax Stability and Trust Fund and allowing the interest generated for 1989 in the Tax Stability and Trust Fund to remain therein. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(4)

SHERIFF'S BUSINESS - DISPOSITION OF SURPLUS VEHICLES

Emery County Sheriff Lamar Guymon in accordance with the Emery County Procurement Ordinance requested permission of the Commission to dispose of surplus vehicles in the possession of the Emery County Sheriff's Department. The vehicles are a result of replacement purchases as well as forfeitures to Emery County in drug related cases. After further discussion, motion was made by Commissioner Duane Collard to approve the disposal of the surplus vehicles by auction with the exception of those that would (1) be traded in on new purchases and (2) transferred to other departments within the county. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present. The vehicles are as follows:

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Commission Minutes  
September 19, 1990

Disposition of surplus vehicles cont . . .

Year	Make	VIN	Method of Disposition
1972	Dodge Colt	6H23K25115341	Auction
1967	Chev Belair	155697L158291	Auction
1983	Cadillac Eldorado	1G6AL578DE626344	Auction
1985	Chev Blazer	1G8EK18H5FF199935	Auction
1985	Chev Impala	1G1BL69H4FY178038	Auction
1989	Chev Van	1GBEG25H4K7152826	Trade In
1976	Pontiac	2Y69F6W132056	Auction
1979	Volkswagon	1793365328	Auction
1989	Yamaha Motorcycle	JYA2RR105LA043941	Auction
1989	Yamaha Motorcycle	JYA2RR101KA020199	Auction

1982	Lincoln	1MRB98F9CYYE7991	Auction
1976	Lincoln Continental	6Y82A840234	Auction
1967	Chev El Camino	136807K147914	Auction
1985	Dodge Ramcharger	1B4GW12T6FS647717	Auction
1974	Chev Ambulance	CC1334B175560	Auction
1971	Kenworth	216501	Auction
1975	Olds Toronado	3Z57W5M721788	Auction
1972	Chev Pickup	CKE142Z152520	Auction
1986	Ford Van	1FDDE14N1GHC22150	Auction
1976	Chev Pickup	CKL146F351071	Auction
1980	Pontiac	2L69WAX115916	Auction
1980	Pontiac	2L69WAP157310	Auction
1980	Cadillac	6S69NAE682280	Auction
1984	Dodge Ramcharger	1B4GW12T0ES297998	Auction
1981	AMC Cherokee	1JCCA17C1BT044900	Auction
1979	Ford Thunderbird	9G87F188886	Auction
1976	Olds	3J29R6R135851	Auction
1979	Olds Cutlass	3K47F9R457676	Auction
1975	Olds	3G373K5M235165	Auction
1986	Dodge Ram Charger	3B4GW12T6GM629017	Auction
1983	Plymouth	JP3BD4375DY400186	Auction

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Commission Minutes  
September 19, 1990

Disposition of surplus vehicles cont. . .

1984	Chev Monte Carlo	1C1AZ3798EB119855	Auction
1978	Chrysler Lebaron	FH22G8G278839	Auction
1983	Plymouth Fury	2P3BB26P6DR157949	Auction
1984	Volkswagon Van	WV2ZB0254EH006405	Auction

(5)

PERSONNEL ITEMS

Emery County Personnel Director Pat Snowball presented the following personnel items for Commission consideration:

A) Steven Killpack - Mrs. Snowball presented a Personnel Action Form for the Attorney's Office in regards to Steven Killpack, who is again working in that office, wherein the personnel action would qualify Steven Killpack as a county employee but would be exempt from the county personnel policy. The Commission discussed a proposal that the county be responsible for the FICA and other withholdings as well as retirement and further noted that until January 1,

1991, Mr. Killpack is receiving retirement contributions from Utah County. The Commission inquired of County Attorney Scott Johansen, who was present at this time, who confirmed that the contract originally entered into by Mr. Killpack is currently valid and, therefore, it was the consensus of the Commission that this contract remain in effect and that this request be given further consideration at budget time for implementation at the first of the year.

B) Sheriff's Department Dispatcher - Presented to the Commission for their consideration was the Personnel Requisition for the hiring of a Dispatcher in the Emery County Sheriff's Department at a Grade 9 Step 1 or a salary of \$1,622.00 per month, this being a full time position in the Sheriff's Department. This is to replace Rick Leamaster who previously resigned. Also presented to the Commission was the Personnel Action Form for the hiring of Brook Smith of Ferron to fill the vacancy of Dispatcher in the Sheriff's Department at a Grade 9 Step 1 or a salary of \$1,622.00 per month effective 9-16-90, noting that the Sheriff's Department has properly followed the personnel recruitment procedures. Whereupon motion was made by Commissioner Duane Collard to approve the personnel requisition authorizing the hiring of a full time dispatcher in the Sheriff's Department and to approve the Personnel Action Form hiring Brook Smith to fill that position as presented. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:00 noon was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

5

Commission Minutes  
September 19, 1990

Meeting reconvened at 1:30 p.m. with all members present.

(6)

#### CLERK'S BUSINESS - BUSINESS LICENSE

A) Nielson's Construction - Bruce C. Funk, County Clerk, presented to the Commission for their consideration an application for a business license from Nielson Construction for the purpose of landfill operation, construction, sand and gravel and trucking. Whereupon motion was made by Commission Chairman Clyde Thompson to approve the application. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Sequoia Boarding and Grooming - Presented to the Commission for their consideration was the business license application for Sequoia Boarding and Grooming. The owner's names are Doug and Cheryl Sorensen. Also presented were the proposed Sequoia Kennel Master Plan, pages 1 and 2, together with the lot layout. Motion was made by Commissioner Duane Collard to approve the business license together with their proposals, commitments and understandings made, provided they conform to the requirements of the zoning, business and animal control ordinances and on the condition that the appropriate fees are paid. Whereupon motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

(7)

#### ECONOMIC DEVELOPMENT - REPORT

Economic Development Director Bryant Anderson reviewed with the Commission letters he had received from Green River in regards to the White Sands Missile Range. He also presented copies of those letters to the Commission for their review. Mr. Anderson went on further to update the Commission in regard to the Gypsum Resource Development and other matters that he is working on at this time.

(8)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:26 p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin10-3-90

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

October 3, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m.

Invocation was given by Commission Chairman Clyde Thompson

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the September 19, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the minutes as corrected. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #903262 through and including #903448 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants, except for the two to PMS as discussed, for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
66	Surge Protector - Road	629.00	Approved

(3)

#### BOARD OF EQUALIZATION - APPROVAL OF ADJUSTMENTS

Emery County Auditor, Karen Truman, on behalf of County Assessor, James Fauver, presented to the Commission for their approval, the Board of Equalization adjustments. After discussion, it was the consensus of the Commission on the John Nielson property to role back the rate from residential use to agricultural. On the Carl Seely property, and Mike Nemelka property, it was the consensus of the Commission to hold these for further consideration.

Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Board of Equalization adjustments as presented and hold the Nemelka and Seely properties as discussed. Motion was approved by all members present.

(4)

#### EMERY COUNTY ADVERTISEMENT IN ENERGY EDITION OF SUN ADVOCATE

Commission Chairman Clyde Thompson discussed with the Commission a letter he received from the Sun Advocate. It is inquiring if Emery County is interested in placing an advertisement in the upcoming Energy Edition of the paper. Whereupon, after discussion motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to budget money into next year's budget to place an advertisement in the Energy Edition as discussed. Motion was approved by all members present.

(5)

#### SHERIFF'S BUSINESS

A) Special Recognition of Richard Graham - Emery County Sheriff, Lamar Guymon introduced to the Commission Deputy Richard Graham. He then presented to Mr. Graham a special recognition plaque for his efforts towards the war on drugs and his performance of duties while patrolling Interstate 70.

B) Surplus Vehicle Auction - Sheriff Guymon inquired of the Commission if he needs to get an auctioneer to perform the upcoming auction of surplus vehicles in the Sheriff's office. It was the consensus of the Commission that Sheriff Guymon contact an auctioneer to perform the auction.

C) Castle Dale Ambulance - Sheriff Guymon presented to the Commission his request to purchase a new ambulance for Castle Dale. He informed the Commission that the total price is \$57,000, with \$15,000 coming from a grant, half of the remaining \$45,000 will come out of this year's budget, and used as a down payment and the balance being paid out of next years budget. Whereupon, this requisition was approved with the previous requisitions presented to the Commission today.

D) Out-of-State Travel - Sheriff Guymon informed the Commission that Detective Kyle Ekker and Deputy Richard Graham were subpoenaed by the Federal government and testified at a case in Illinois. Sheriff Guymon informed the Commission that this took place in May and that the airline has not yet been paid for the airfare. He requested the Commission approve the payment of the airfare being taken out of the special counsel budget, with the Federal Government reimbursing the County in the near future. Whereupon, this requisition was approved with the previous requisitions presented to the Commission today.

(6)

#### 4-H PRESENTATION TO THE COMMISSION

Extension Agent, Elaine Hatch, together with the 4-H Team Council presented to each of the Commissioners a plate of cookies and thanked them for all of their support in the past. Each Commissioner thanked them and recognized the 4-H program and all they do.

(7)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 11:45 a.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:30 p.m. with all members present.

(8)

#### ECONOMIC DEVELOPMENT/PLANNING & ZONING - BRYANT ANDERSON

Emery County Economic Development/Planning and Zoning Administrator, Bryant Anderson, informed the Commission that he has been in discussion with Dave Ariotti regarding the landfills in Emery County. Mr. Ariotti informed him that he has inspected M&P Enterprises, Ron Barney's landfill, Nielson's and the County's and all are basically in compliance with the exception of the County landfill in which he had drawn attention to some poor management practices. He indicated that M&P's permit has expired, but that is in Huntington City limits and is out of the jurisdiction of the County.

(9)

#### PERSONNEL ITEMS

Emery County Personnel Technician, Pat Snowball presented the following personnel items for Commission consideration:

A) Ray Peterson-Road Department - Presented was the Personnel Action Form for Ray Peterson, a Crew Leader in the Road Department, to receive an increase from a Grade 13, Step 4 to a Grade 13, Step 5. Mr. Peterson has completed his six month probationary period in this position and this is to bring Mr. Peterson into the same grade and step as other Crew Leaders. Whereupon, after further discussion it was the consensus of the Commission that the Personnel Policy does not state that an employee receives a step increase after a probationary period in a new position. It was further discussed that it was the understanding of the Commission that other Crew Leaders were at a Grade 13, Step 5 to compensate for their exempt status rather than a Step 4. Therefore, until they receive further clarification as to whether or not the County is going to continue placing employees on exempt status, it was their consensus to table this until such time.



Personnel Items, cont. . . .

B) Randy Menser-Road Department - Mrs. Snowball informed the Commission that Randy Menser, who is on leave due to a back injury, is out of vacation and sick time. She indicated that other Road Department employees have voiced their desire to donate some of their own vacation and sick time to Mr. Menser. After further discussion, it was the consensus of the Commission to table this matter until it is determined if Workmens Compensation is going to provide Mr. Menser with benefits.

C) Steve Stream-Sheriff's Department - Mrs. Snowball informed the Commission that Deputy Steve Stream is on an automatic leave of absence without pay from the Sheriff's office due to his filing as write-in candidate for Sheriff. She inquired of the Commission if Mr. Stream's health benefits will continue during the time he is on leave. Whereupon, after further discussion, it was the consensus of the Commission that if Mr. Stream desires, he may purchase the health insurance through the County until the time he returns to work on November 7, after the election.

(10)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:50 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin10-17-90

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

October 17, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00

a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the October 3, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #903502 through and including #903684 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisition was presented for Commission consideration:

Req. #	Item and Description	Amount	Action
67	21 bullet-proof vests & 5 flak jackets - Sheriff (Special Counsel)	12,060.00	Approved

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the requisition for purchase. Motion was approved by all members present.

(3)

#### BLIND AND VETERAN TAX EXEMPTIONS

County Auditor, Karen Truman, on behalf of County Assessor, James Fauver, presented to the Commission the names of those individuals who qualify for the blind and veteran tax exemptions as follows:

Name	Serial #	Blind/Veteran
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Zola Brasher	01-0013-0040	Blind
Cloyd Fillmore	01-0023-0036	Blind
Ellen H. Van Wagoner	03-0051-0015	Blind
Einer Erickson	01-071B-0018	Blind
Elden A. Olsen	01-112A-0032	Blind
Harvey Brinkerhoff	04-0054-0018	Blind
Cleo Johnson	01-0217-0011	Blind
Hal M. Cox	01-0247-0003	Blind
Ward D. Hayward	01-004A-0019	Veteran
Anna Marie Jones	01-0014-0011	Veteran
Myrtle C. Larsen	01-0014-0002	Veteran
Mary L. Oman	01-003A-0013	Veteran
Frank D. White	01-050A-0005	Veteran
Roy E. Johansen	01-071C-0001	Veteran
Ramona Anderson	01-078A-0009	Veteran
Jerome L. Gross	01-0093-0004	Veteran
Boyd C. Jacobsen	01-0090-0008	Veteran
Iris Fullmer	01-0130-0039	Veteran
Iris Fullmer	01-078A-0003	Veteran
Iris Fullmer	01-112B-0039	Veteran
Charles Haddenham	Personal Property	Veteran
Ima M. Morgan	01-0130-0040	Veteran
Chloe Moore	01-151G-0007	Veteran
Frank Vetere	10-0162-0023	Veteran
Frank Vetere	01-0154-0012	Veteran
Orlon Brockbank	01-0196-0030	Veteran
Grant Fish	01-0192-0026	Veteran
Zina L. Fish	01-0192-0027	Veteran
Jack W. C. Pruitt	Personal Property	Veteran
Grant M. Wilson	01-0199-0040	Veteran
Henry G. Clarke, Jr.	01-0258-0035	Veteran
Hilma Robertson	01-0239-0019	Veteran
Luther H. Thomas	01-0242-0004	Veteran
Maree P. Ware	01-0251-0007	Veteran
Max Jensen	01-0040-0002	Veteran

Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve those individuals who qualify for tax exemptions due to blindness or veteran status. Motion was approved by all members present.

(4)  
NORMA MOWER - CIRCUIT BREAKER

County Auditor, Karen Truman, presented to the Commission the name of Norma

Mower, who because of her income, qualifies for the Circuit Breaker program and requested an indigent abatement. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve Norma Mower for the Circuit Breaker program. Motion was approved by all members present.

(5)

#### JOHN NIEBERGALL RETIREMENT AS FERRON DISTRICT RANGER

Commission Chairman Clyde Thompson reviewed with the Commission a letter he received dated October 16, 1990, from Mr. John Niebergall who has been the Ferron District Ranger. Mr. Niebergall advised the Commission that as of October 3, 1990, he had retired from that position. He indicated that should the County have additional business with the Ferron Office, John Healey is the acting Ranger. Mr. Niebergall expressed appreciation to the Commission for their cooperation and willingness to work together on common problems while he has served as the Ranger. He noted that he had enjoyed the working association with the Commission.

After discussion, it was the consensus of the Commission that Mr. Niebergall be commended also by letter for his efforts, dedication and service as the Ferron District Ranger. The Commission also expresses appreciation for his efforts in keeping the Emery County Commission advised of all activities in the Forest area and that they too have enjoyed working with Mr. Niebergall and wish him success in his future endeavors.

(6)

#### CANVASS OF THE NOVEMBER 6, 1990, GENERAL ELECTION

County Clerk, Bruce Funk, reviewed with the Commission the need to meet and be in attendance on November 13, 1990, at 12:00 noon for the purpose of canvassing the November 6, 1990, general election as required by law.

(7)

#### ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk, came before the Commission and requested approval to trade two graders, which were previously approved for disposition by the Commission on August 15, 1990, for one Paddle Wheel Scraper. This would be a straight trade across and no further funds would be necessary for such a trade. Whereupon, motion was made by Commissioner Jerry Mangum to approve the trade upon inspection of the equipment. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(8)

## ECONOMIC DEVELOPMENT BUSINESS

Economic Development Director, Bryant Anderson, introduced to the Commission Mr. Robert Weeks and Mr. Ronald Atwood who are working on trying to start up a new business in Emery County. Mr. Atwood briefly described the type of business they are trying to pursue and will keep the Commission informed as to their progress. The Commission thanked Mr. Weeks and Mr. Atwood for coming today.

Mr. Anderson updated the Commission on the progress of Gypsum Resources. He indicated that after the initial hauling, it has become apparent that some of the culverts are going to need protecting and the road needs more work done to it.

(9)

## ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 11:55 a.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

Meeting reconvened at 1:30 p.m. with all members present.

(10)

## PERSONNEL ITEMS

Personnel Director, Pat Snowball, came before the Commission as a follow-up to the Commission meeting of August 15, 1990, in an effort to bring the health benefit program compatible with the Personnel Policy. Mrs. Snowball indicated that at this time, the Emery County benefit plan does not offer a cafeteria style benefit package. Life insurance and AD&D is part of the complete benefit package and cannot be purchased separately.

- The County pays 100% of the premium for health benefits for full-time career service employees working 40 hours per week.
- The County shall pay a pro-rated portion of the premium for career service employees working 30 to 39 hours per week who wish to receive the health benefit package.
- Career service employees working 20 to 30 hours per week can pay the entire premium for said coverage in order to receive the health benefit package.
- Part-time employees who work less than 20 hours each week do not qualify for regular benefits.

Personnel items, cont. . . .

Whereupon, after discussion, motion was made by Commissioner Duane Collard to approve the clarification as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(11)

DECLARATION - "NOVEMBER IS THE ALZHEIMER'S DISEASE AWARENESS MONTH"

Commission Chairman Clyde Thompson reviewed with the Commission a letter he received from the Alzheimer's Association. Wherein, they have requested that the Board of County Commissioners issue a proclamation declaring the month of November as Alzheimer's Disease Awareness Month in Emery County. Whereupon, motion was made by Commissioner Jerry Mangum to declare November as Alzheimer's Disease Awareness Month in accordance with the following declaration:

WHEREAS, Alzheimer's Disease is a progressive, degenerative disease that attacks the brain and results in impaired memory, thinking and behavior; and

WHEREAS, Alzheimer's Disease affects thousands of Utahns and is the nation's fourth largest killer of adults; and

WHEREAS, it is important for Utahns to be informed about Alzheimer's Disease and to be aware that assistance and advocacy are available; and

WHEREAS, numerous individuals, organizations and groups have joined with the Northern Utah Chapter of the Alzheimer's Disease and Related Disorders Association (A.D.R.D.A.) in providing that information, assistance and advocacy; and

WHEREAS, November is designated as National Alzheimer's Disease Awareness Month;

NOW, THEREFORE, I, Clyde Thompson, Chairman of the Emery County Commission, to hereby declare November 1990 as

ALZHEIMER'S DISEASE AWARENESS MONTH

in Utah and encourage the citizens of Utah to recognize the significance of this occasion, to learn about Alzheimer's Disease and

related disorders and to actively support and participate with the local A.D.R.D.A. chapter.

/s/ Clyde Thompson, Chairman  
Emery County Commission

/s/ Duane L. Collard, Commissioner

/s/ Jerry D. Mangum, Commissioner

Whereupon, motion was seconded by Commissioner Duane Collard and approved by all members present. The Commission signed the same.

(12)

#### AUTOMATIC DATA PROCESSING - PAYROLL AND TAX FILINGS

County Auditor, Karen Truman, together with Connie Jones of the Castle Dale Branch of Zions First National Bank and Michelle J. Piens, District Manager of Automatic Data Processing, came before the Commission. Ms. Piens discussed with the Commission the services offered by their company. Presently, their company writes one of every eight checks in the State of Utah. She indicated they have over forty years of service in their business. Her purpose in coming before the Commission today is to determine if Emery County would be interested in them doing the County's payroll as well as the associated tax filings. She further went on to question whether the County had actually figured a cost to issue a check. Some of the services offered are direct deposit with any financial institution and flexibility in reports. Based upon approximately 109 Emery County employees, the cost for those services would be approximately \$250 per month.

Whereupon, Ms. Piens presented to Auditor, Karen Truman, additional information to determine whether it would be cost effective for the County to remain on their present program or if the County could save money with their program. No action was taken at this time by the Commission.

(13)

#### RESOLUTION 10-17-90 - MODIFYING THE EMERY COUNTY JUSTICE COURTS

Emery County Attorney, Scott Johansen, together with Deputy Attorney, Steven Killpack, met with the Commission to discuss several issues. Amongst those were whether the Commission was desirous to replace Justice Court Judge Wilcox in Green River who recently passed away. They indicated that such a replacement would only be temporary. Mr. Johansen informed the Commission that in discussions with Betty Burns, who is the Clerk in Green River that with

sufficient clerical help, possibly the office could get by until the reappointment on February 5, 1991. This is provided that one of the other two Justice Court Judges assisted in the Law and Motion days.

Further noted was that Justice Court Judge Peacock has advised he will retire when his term is up effective January 1, 1991. Wherein, Mr. Johansen felt that in light of things, that Mr. Peacock might be persuaded to continue until the February 5, 1991, reappointment time.

Mr. Johansen advised the Commission that he needed direction as to how to proceed and such proposed Justice Court needs the approval of the Court Administrator's office who requires at least 90 days notice. The proposal should show the County is either in compliance or making efforts to do so in regards to the law.

Mr. Johansen pointed out that they have prepared Resolution 10-17-90 for Commission consideration. Wherein, if the Commission was desirous to combine the three Justice Courts into one Justice Court, Emery County would dissolve

Resolution 10-17-90, cont. . . .

all existing justice court boundaries. This would become effective February 4, 1991. Under the proposed Resolution, two judges would be appointed by the Commission and categorize two courts. Also further reviewed with the Commission was the staffing and salary.

Whereupon, after further discussion, motion was made by Commissioner Jerry Mangum to approve Resolution 10-17-90 establishing effective February 5, 1991, a single Justice Precinct with two judges. The two judges would be working a minimum of six hours per day each, with a salary in the range of \$25,000 to \$30,000 per year. Motion further authorized the Attorney's office to begin advertising for the positions of Judges, one to be located in the Green River area and one to be located in the Western portion of the County [position of only one Green River Justice Court Judge]\* and to advertise for a part-time clerical assistant in the Green River Justice Court which position is to tentatively terminate on February 4, 1991. The County Attorney's office is further to proceed with the application with the Court Administrator's office and include the actions of this day. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(14)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:08 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members



present.

\*Corrected to reflect proper motion in the November 21, 1990, Commission meeting minutes.

ATTEST

CHAIRMAN

ComMin11-7-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

November 7, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:08 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the October 17, 1990, Commission meeting were reviewed. Motion was made by Commissioner Jerry Mangum to approve the minutes as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List # 903696 through and including #903870 for payment. Motion was made by Commissioner Jerry Mangum to approve all Warrants for payment, noting that in regards to the

Library claims, that those be paid according to sufficient funds available. Motion was seconded by Commissioner Duane Collard and approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
69	Mac Project II software - Economic Development	305.00	Approved
70	Two three-drawer file cabinets - Sheriff	840.00	Approved
71	Computer system expansion - Attorney	5,030.00	Approved
72	Stihl chain saw - Road	299.00	Approved

Requisitions, cont. . . .

Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all requisitions for purchase. Motion was approved by all members present.

(3)

#### CASTLE COUNTRY TRAVEL COUNCIL BOARD APPOINTMENTS

Commission Chairman Clyde Thompson recommended the reappointment of Bryant Anderson and Jorma Johnson to serve on the Castle Country Travel Council Board, effective January 1, 1991. After review and discussion, motion was made by Commissioner Jerry Mangum to approve the reappointment of Bryant Anderson and Jorma Johnson to the Castle Country Travel Council Board. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(4)

#### CARPETING THE COURTHOUSE STAIRS

Commission Chairman Clyde Thompson reviewed with the Commission the need to carpet the stairs in the Courthouse which are beginning to show excessive wear. He noted that he has already proceeded in obtaining bids. Whereupon, motion was made by Commissioner Jerry Mangum to authorize Commission Chairman Clyde Thompson to proceed with the purchase and installation of carpet on the stairs in the Courthouse as discussed. Motion was seconded by Commissioner Duane

Collard and approved by all members present.

(5)

#### UAC COUNTY GIFT

Commission Chairman Clyde Thompson advised those present that Emery County's gift at the Utah Association of County convention coming up in November would be a pheasant feather wreath at the requested minimum cost of \$50.00. It was the consensus of the Commission that this would be an appropriate gift.

(6)

#### HUNTINGTON CANYON SNOWMOBILE PARKING

Commissioner Duane Collard reviewed the progress in regards to the snowmobile parking area in Huntington Canyon. He noted that it is almost complete. He further pointed out that there is \$4,600 in the Four Season's development fund in which Kent Minor in Fairview is in charge of. He noted that all interested parties in that development have earmarked those monies for the snowmobile parking area. He further went on to indicate that Sanpete County, the Utah Department of Transportation and Emery County have all their monies approved for payment upon completion.

Snowmobile parking, cont. . . .

He informed the Commission that he and two County road employees have removed the necessary trees. The parking lot will be located in the intersection of the Miller Flat road with Highway 31. He further noted that next summer it would need to be re-graveled after settling although completion of the work scheduled for this year will be completed this week.

(7)

#### DISPOSITION OF FIXED ASSET

Emery County Auditor, Karen Truman, presented to the Commission for their consideration a disposition form for disposing of a chain saw from the Road Department as a trade-in on a new purchase. Whereupon, motion was made by Commissioner Duane Collard to approve the disposition form for trading the aforementioned chain saw. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(8)

#### DISPOSITION OF AMBULANCE

Emery County Sheriff, Lamar Guymon informed the Commission that the ambulance approved for disposition in the auction held October 27, 1990, had been pulled

from the bids because of lack of bids. At that time, he had personally bid \$3,100 for the vehicle and Bruce Funk had offered \$3,150. He has since received a bid from Randy Jensen in the amount of \$3,165. He asked direction from the Commission as to how to proceed. It was the consensus of the Commission that those interested parties submit sealed bids in regards to the ambulance as a fair and equitable means.

(9)

#### UTAH DEPARTMENT OF PUBLIC SAFETY - AGREEMENT

Emery County Attorney, Scott Johansen presented to the Commission for their consideration an agreement between the Utah Department of Public Safety and Emery County in regards to property seized or forfeited in the violation of the Utah Controlled Substance Act. Wherein, the Utah Department of Public Safety releases to Emery County the amount of \$4,600 with the disbursement of the money as follows: A) 15%, or \$690, to the Emery County Attorney, pursuant to the prior agreement regarding performance of legal services and forfeiture of said property; B) 85%, or \$3,910, to Emery County for the purchase of a Utah Highway Patrol data processing unit to be placed in the Highway Patrol, Green River office. Whereupon, motion was made by Commissioner Jerry Mangum to approve the agreement and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(10)

#### EMERY COUNTY 1991 TENTATIVE REVENUE AND EXPENDITURE BUDGET

Emery County Auditor, Karen Truman, for purposes of the Commission minutes, noted that on November 2, 1990, that the 1991 Emery County Tentative Revenue and Expenditure budget had been given to each of the Emery County Commissioners and is on file in the Auditor's office.

(11)

#### GREEN RIVER AIRPORT IMPROVEMENTS

Mr. Mike Winters, Green River City Councilman, together with Robert Lindgren of Red Tail Aviation, came before the Commission to discuss needed crack sealing on the Green River airport runways. Mr. Winters requested that the Commission assist by paying for the materials in the approximate amount of \$1,344 as quoted by Tel-Con. Green River would provide the compressor and labor as well as pick up the materials in Salt Lake. Moab City possibly has a pot which they could borrow for application of the sealant. It was noted that this is the time of year, as well as in the Spring, for application of the crack sealant. Commissioner Jerry Mangum advised Mr. Winters that in regards to the Huntington

Airport, outside funds were used in sealing those runways and that the only cost to the County was approximately 10% and recommended and gave to Mr. Winters the names of those persons to contact. Therefore, if Green River would pursue that then possibly the County could handle the balance.

Mr. Winters indicated that they would pursue the recommendation. They also expressed appreciation and noted the vast improvement to the airport road having just been completed by the Emery County Road Department.

Therefore, no action was taken at this time.

(12)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 11:36 a.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:11 p.m. with all members present.

(13)

#### EMERY COUNTY NURSING HOME - LINE OF CREDIT - NOTE DUE

Emery County Nursing Home Administrator, Todd Winder, together with Connie Nielsen, Office Administrator, came before the Commission in regards to the Commercial Loan Note due at Zions First National Bank. Mr. Winder noted that the original amount of the note was \$20,000 and at this time there is presently \$16,000 plus interest due on the note and he inquired of the Commission as to further action in regards to the note.

Nursing Home, cont. . . .

The Commission reviewed with Mr. Winder and those present, the October 18, 1989, Commission minutes. Wherein, Mr. Bramall had previously been before the Commission in order to get a line of credit through Zions First National Bank to facilitate emergency payment on obligations while awaiting repayment from Medicare and Medicaid. The Commission further emphasized that it was their understanding that it was not a loan because Emery County could not take out a loan for said purposes. Mr. Winder indicated that a commercial loan application was signed by Mr. Bramall. He further indicated that in talking to Nursing Home board members, they were not aware of this arrangement. However, Commissioner Jerry Mangum advised that Nursing Home Board members, of which he is one, were aware of the discussions in regards to the line of credit.

County Attorney, Scott Johansen indicated that there would be a need to make

sure whether the debt had been reconciled in the 1989 budget audit and if not, it possibly could be that the County would be responsible for it in the 1990 budget reconciliation and audit which would take place in approximately May or June of 1991. After also reviewing this with County Auditor, Karen Truman, she noted that the present payments to the Nursing Home puts them at approximately \$14,786 over budget at the present time.

It was, therefore, concluded that Mr. Winder check with the management corporation and make the claim to them for payment of the note and that Emery County would pursue this further with the Auditors and in accordance with the management agreement. If Emery County is responsible to pay that, they will do so some time in 1991.

(14)

#### UTAH POWER AND LIGHT TAX PROTEST

County Attorney, Scott Johansen advised the Commission that the Utah State Tax Commission has made a settlement for the years 1989 and 1990 in regards to the Utah Power and Light tax protest. He further noted that Emery County, being a party, has been asked to agree with the settlement. He has further discussed this with Mr. Bill Peters who has been requested to find out what the settlement involves and recommend a position for Emery County to take. He further requested that the Commission consider postponing the 1990 settlement until after November 30.

(15)

#### EMERY COUNTY JUSTICE COURT - PRECINCT ALIGNMENT - JUDGES APPOINTMENT - EFFECTIVE DATES

Deputy County Attorney, Steven Killpack came before the Commission, noting that application for certifying the Justice Court Precinct was sent in last week in accordance with Commission action of October 17, 1990, noting that Resolution 10-17-90 at that time outlines one Justice Court Precinct for the County with two Justice Court Judges. One judge is to be located in Green River, the

Justice Court realignment, cont. . . .

other judge located in Castle Dale, with an effective date of the boundary alignment to be February 5, 1991. He further noted that the appointment of a Green River Justice Court Judge needed to be done this year in order to allow certification time. He further noted that there is no vacancy in the Castle Dale area. He further noted that Justice Court Judge Peacock would be retiring in the very near future. He further inquired of the Commission if at this time they were desirous to make the appointment of Justice Court Judge effective

February 5, 1991, for a term of four years and to move the effective date for the boundary change to today's date of November 7, 1990. If such a change is made in regards to the appointment of a Justice Court Judge, then pay adjustments need to be considered.

After discussion, motion was made by Commissioner Duane Collard to move the implementation date of precinct boundary consolidation from the previously resolved February 5, 1991, date to an effective date of November 7, 1990, in establishing one precinct. Whereupon, motion was seconded by Commissioner Jerry Mangum and approved by all members present.

Motion was made by Commissioner Duane Collard to appoint Stan Truman as the Justice Court Judge within the new boundaries and as Judge Pro Tem in the Green River area, effective immediately for the duration of his present term which expires February 4, 1991, and to reappoint him effective February 5, 1991, for the next four-year term. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. (Judge Peacock will complete those cases he is working with. The Commission asked that advertising begin for a Justice Court Judge for the Green River area.)

Mr. Killpack further inquired of the Commission as to any pay adjustment. Commission Chairman Clyde Thompson indicated that now that he (referring to Stan Truman) will be running all the Courts that there would be a need for adjustment. Commissioner Duane Collard noted that in regards to the hiring or appointing Judge Wilcox in Green River, that the Court Administrator's office recommended a salary of between \$20,000 and \$29,000. However, the Commission was in the lower \$20,000's in that hiring. It was, therefore, the desire of the Commission to be fair in relation to the increased work load.

After further discussion, motion was made by Commissioner Jerry Mangum to double the current salary that Mr. Truman is presently receiving as a Justice Court Judge which Mr. Truman has indicated is approximately \$1,236 per month, making a new monthly salary of \$2,390.92 per month in which he was in agreement with, pending recommendation from the Court Administrator's office as to the recommended salary to come out approximately the first of the year. Motion was seconded by Commissioner Duane Collard and approved by all members present. (The Clerk's office at this time has Resolution 11-7-90, a copy in their possession which resolution enacts these changes.)

(17)

#### PERSONNEL ITEMS

Emery County Personnel Director, Pat Snowball presented the following to the Commission for consideration:

A) Sheriff's Office Jailer/Dispatcher - Presented was the Personnel Requisition Form for a Jailer/Dispatcher in the Sheriff's office effective November 26, 1990, noting that selection would be made from the current Sheriff's roster. Motion was made by Commissioner Jerry Mangum to approve the Personnel Requisition Form for a Jailer/Dispatcher in the Sheriff's Office as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Justice Court Clerk - Presented was the Personnel Requisition Form for a Justice Court Clerk effective November 13, 1990, to be located in the Castle Dale office to be hired at a Grade 5, Step 1 or a salary of \$1,266 per month. Motion was made by Commissioner Jerry Mangum to approve the Personnel Requisition Form for a Justice Court Clerk in Castle Dale as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

C) Assistant Justice Court Clerk - Presented was the Personnel Requisition Form for an Assistant Justice Court Clerk in the Green River Justice Court office to be effective retroactive to November 5, 1990, to be paid at the rate of \$4.12 per hour. Motion was made by Commissioner Jerry Mangum to approve the Personnel Requisition Form for an Assistant Justice Court Clerk in the Green River office as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

D) Gwen Weihing-Assistant Justice Court Clerk-Green River - Presented was the Personnel Action Form for Gwen Weihing to be hired as the Assistant Justice Court Clerk in the Green River Justice Court to be paid at the rate of \$4.12 per hour. This is a temporary 60-day hiring to assist the Green River Justice Court clerk. There are no benefits. This position will terminate December 31, 1990. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the hiring of Gwen Wingland as presented. Motion was approved by all members present.

(18)

#### BLM - BEAR CANYON CAMPGROUND - CATTLEMEN'S ASSOCIATION

Commissioner Duane Collard informed those present that he has been advised by Lorrell Hughes of the Price BLM office that under the Parks and Public Purpose Act that Emery County was in violation of said Act in regards to the Bear Canyon Campground. The Bear Canyon campground area was donated to Emery County by the BLM, however, Emery County had sold a portion of that property containing a stock holding corral to the Cattlemen's Association. This puts Emery County in violation of the Parks and Public Purpose Act. Therefore, Emery County would have to repurchase the property back from the Cattlemen's

BLM/Bear Canyon, cont. . . .



Association. After that time, the County could allow use by the Cattlemen's Association under what is termed as "existing use" prior to the transfer. It was noted that the corrals were there prior to the transfer of the property from the BLM to Emery County. The Commission directed the Emery County Clerk to research for deeds, bills of sale, etc., wherein indicating the property being transferred to the Cattlemen's Association.

(19)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:22 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

ATTEST

CHAIRMAN

ComMin11-13-90

MINUTES OF THE NOVEMBER 6, 1990, GENERAL ELECTION CANVASS

HELD IN THE EMERY COUNTY COURTHOUSE

November 13, 1990

Those present as the Board of County Canvassers were: Commission Chairman Clyde Thompson, Commissioner Duane Collard, Commissioner Jerry Mangum, and Clerk, Bruce C. Funk.

Commission Chairman Clyde Thompson convened the Board of Canvassers at 12:00 noon as prescribed under the Utah Code with proper notice having been posted. Also present at this time were Wendi Downard, Alice Ann Snyder and Peggy Anderson acting as Judges of Election in counting the remaining absent voter ballots. Also present were Treasurer-elect JoAnn Behling, Dean Behling, and Republican Party Chairman Warne Linton.

The Commission canvassed the election with the results of the November 6, 1990, election as outlined on the attached sheets.

Whereupon, motion was made by Commissioner Duane Collard to accept the results

of the canvass as determined. Motion was seconded by Commission Chairman Clyde Thompson and approved by all members present.

Motion to adjourn the meeting at 2:46 p.m. was made by Commissioner Duane Collard, seconded by Commission Chairman Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin12-5-90

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 5, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:06 a.m.

Invocation was given by Commissioner Jerry Mangum.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the November 21, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #904165 through and including #904351 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
75	Hon two-drawer file cabinet	260.00	Approved
76	Five Life Stat blood pressure monitors - Ambulance	5,000.00	Approved
77	Video on appraisals - Personnel	103.75	Approved
78	Computer, Computer & Supplies - Road	1,345.00	Approved

Requisitions, cont. . . .

79	Panasonic Fax Machine - Road	895.00	Approved
80	Printer - Sheriff	1,595.00	Approved

Motion was made by Commissioner Jerry Mangum to approve the above mentioned requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3)

CASTLE VALLEY - CONTROL BOARD APPOINTMENT

Castle Valley Special Service District Administrator, Darrel Leamaster came before the Commission, noting that their Administrative Control Board consists of 10 members, seven appointed by the towns. The three remaining members are appointed by the Emery County Commission which Eugene Johansen is in the second of his four-year term, as well as Paul Crawford. Dorr Hanson's term expires in

January 1991. Mr. Leamaster noted that he has discussed this with Dorr Hansen and Mr. Hansen is agreeable for reappointment.

Whereupon, motion was made by Commissioner Jerry Mangum to reappoint Dorr Hansen to another four-year term on the Castle Valley Special Service District Administrative Control Board effective January 1, 1991. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Mr. Leamaster also advised the Commission that a legislative task force is looking into possibly changing some of the guidelines effecting local Control Boards. Those representing cities must either be a mayor or a city council member with their term on the Administrative Control Board not extend beyond their term in city office. He indicated they are looking into the possibility that no member may serve more than three terms.

(4)

#### JOHANSEN AND TUTTLE ENGINEERING - SECTION CORNER SURVEYS

Mr. Craig Johansen of Johansen and Tuttle Engineering came before the Commission advising them that within the next week to ten days the County section surveys will be completed for this year and that the documents possibly will not be ready for signature until January 1991. They having completed nine sections, making the survey complete from Castle Dale to Elmo. It is estimated that within another three to four years that all section corner surveys will be completed.

Johansen & Tuttle, cont. . . .

It was the request of the Commission that Mr. Johansen submit his bill for this year's completed work prior to the first of the year. They also advised him that monies have been budgeted in the same amount for next year. Mr. Johansen expressed appreciation in working with the Commission and their efforts, particularly to outgoing Commissioner Duane Collard and Commissioner Jerry Mangum.

(5)

#### CASTLE DALE CITY - WATER LEASE

Commission Chairman Clyde Thompson presented to the Commission for their consideration a Water Lease Agreement between Castle Dale City and Emery County. Castle Dale would lease 21 shares owned by Emery County in the Cottonwood Creek Consolidated Irrigation Company. This would be for five years beginning April 1, 1991, and ending December 1, 1996. Wherein, Castle Dale City would pay Emery County the amount of \$105. Motion was made by Commis-

sioner Jerry Mangum to approve the leasing of the 21 shares of water owned by Emery County to Castle Dale City and authorize Commission Chairman Clyde Thompson to sign the agreement. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6)

#### EMERY HIGH SCHOOL - SCRAP METAL - HAULING REQUEST

Commission Chairman Clyde Thompson discussed with those present, including Road Superintendent Rex Funk a request received on behalf of Gordon Card at the Emery High School who noted that in the past Emery County has hauled scrap metal to Geneva Steel in exchange for larger more usable remnants for use by the students at the school. The Commission inquired of Mr. Funk as to any benefit of this to the Road Department or County. Mr. Funk noted that there was none. He indicated with new changes in hauling regulations and laws would now require three trucks to haul what was previously hauled on a single truck and because of increased liabilities and costs it was his recommendation that the County not get involved with the request.

Upon Mr. Funk's recommendation, the Commission will advise Mr. Card of the same.

(7)

#### UTAH POWER AND LIGHT/PACIFICORP

County Attorney, Scott Johansen reviewed with the Commission a letter dated November 30, 1990, from Mr. John Stenbern who is Assistant Treasurer at Pacificorp, noting that in 1981 the power company issued \$45 million in Pollution Control Revenue Bonds at a rate of 11.5% to mature on 2111. The power company has decided to refund those bonds with a new issue, noting that they anticipate saving \$2.7 million annually. It was further noted that the

Utah Power & Light/Pacificorp, cont. . . .

County is the issuer. It is the desire of Pacificorp to meet with the Commission to discuss the matter further in an effort to complete the paper work by mid January.

Mr. Johansen asked direction from the Commission in how to proceed. Whereupon, it was the recommendation of the Commission that Mr. Johansen inform Pacificorp that they are not interested unless legally obligated due to the lack of cooperation and commitment that Pacificorp has made to Emery County.

(8)

#### PERSONNEL ITEMS

Emery County Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Terry Draney-Assessor's Office-Vacation Carry Over - Presented was a request on behalf of Terry Draney in the Assessor's office to carry over into the first quarter of 1991 24-3/4 hours of excess vacation time. This is above the approved 40 hours, noting that such a request is approved in the Personnel Policy. She further noted that she has been unable to use these hours without creating additional hardship on the office. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the request of Terry Draney as presented. Motion was approved by all members present.

B) Jeff Weber-Sheriff's Office - Presented to the Commission for their consideration was the Personnel Action Form for the hiring of Jeff Weber of Green River to be hired as a Patrol Deputy II on a Grade 11, Step 1 or a salary of \$1,800 per month, pointing out that he has previously completed POST training. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the hiring of Jeff Weber as presented. Motion was approved by all members present. Effective date is to be advised.

C) Emery Library-Janitor - Presented to the Commission for their consideration was a Personnel Requisition Form to hire a janitor at the Emery Library. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Requisition Form for a janitor at the Emery Library as presented. Motion was approved by all members present.

D) Debbie Sue Jolley-Emery Library Janitor - Presented to the Commission for their consideration was the Personnel Action Form for Debbie Sue Jolley to be hired as the Emery Library Janitor to be paid \$161 per month. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for Debbie Sue Jolley as presented. Motion was approved by all members present. Effective date is December 3, 1990.

Personnel items, cont. . . .

E) Green River Justice Court Clerk - Presented to the Commission for their consideration was the Personnel Requisition Form for a Justice Court Clerk in Green River which will be a full-time position at a Grade 5, Step 1 or a salary of \$1,266 per month effective February 5, 1991. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Requisition Form for a Justice Court Clerk in Green River as

presented. Motion was approved by all members present. (This action was taken after passage of Resolution 12-5-90A, appointing Betty Burns as the Justice Court Judge, therefore creating a vacancy for a full-time clerk.)

(9)  
BETTY BURNS APPOINTMENT AS GREEN RIVER JUSTICE COURT JUDGE -  
RESOLUTION 12-5-  
90A

Presented to the Commission for their consideration was Resolution 12-5-90A, noting whereas the Emery County Commission has advertised for a person to fill the position of Emery County Justice Court Judge in Green River and that the Emery County Commission has selected Betty Burns. Ms. Burns is currently acting as the Justice Court Clerk in Green River and is the best qualified candidate to fill the position, beginning the next court term of February 4, 1991. Said Resolution states that Betty Burns is hereby appointed by the Chairman of the Emery County Commission as confirmed by the majority vote of the Emery County Commission to fill the position of Justice Court Judge at Green River beginning February 4, 1991. The salary of Judge Burns shall be paid as a fixed compensation which shall be determined by the Board of Emery County Commissioners prior to the February 4, 1991, based on recommendations by the Court Administrator's Office and in no case shall the salary exceed 75% of the salary of the Circuit Court Judge in the State of Utah. Said compensation is based upon the number of hours, days or other periods of time the judge is to be available for judicial functions. That judge Stanley Truman, Emery Justice Court Judge at Castle Dale will act as Pro Tem Justice Court Judge in Green River until Judge Burns takes office. Also, that the appointment of Judge Burns as Justice Court Judge is subject to and contingent upon Judge Burns becoming certified to act as the Justice Court Judge in the State of Utah by the Utah Judicial Council. It was further noted that said Resolution is in compliance with the rules and regulations of the Judicial Council and the Court Administrator's Office. Whereupon, motion was made by Commissioner Jerry Mangum to approve Resolution 12-5-90A as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(10)  
RESOLUTION 12-5-90B - AUTHORIZING PAYMENT TO SHERIFF'S  
DEPARTMENT SERGEANTS FOR  
COMPENSATORY TIME

County Attorney, Scott Johansen addressed the Commission, noting that the law suit with Max Thomas, formerly of the Emery County Sheriff's Department has been settled. He noted that there is a need for other sergeants who have

Resolution 12-5-90B, cont. . . .

compensatory time to be settled with. Therefore, he is presenting to the Commission for their consideration, Resolution 12-5-90B wherein, there is a total of four sergeants who have not sued the County for comp time and are entitled to those monies, bringing them to a zero balance as of December 5, 1990. Mr. Johansen further went on to point out that the Resolution leaves out Max Thomas and Steve Stream who initiated legal action against the County for compensation. The four being considered at this time are Norman S. Vuksinick in the amount of \$5,131; Norman L. Vuksinick in the amount of \$7,369; Floyd Forsyth in the amount of \$6,424; and T. R. Thomas in the amount of \$7,973.

Mr. Johansen pointed out that in the original Resolution 2-5-86B, it was assumed that the sergeants were exempt from comp time in the Fair Labor Standards Act and at that time had been given a one step pay adjustment in recognition of and for overtime compensation. It has now been determined that sergeants are not exempt under the Fair Labor Standards and will no longer be considered exempt, entitling them to overtime compensation. Wherein, the Auditor's office is directed to pay those amounts to those individuals which include 10% interest. It was further noted that all concerned have been contacted and are in agreement with the action proposed before the Commission this day.

The Resolution further establishes that for sergeants and other non-exempt County employees, that compensatory time be discouraged and that the Emery County Sheriff and all other supervisors see that the comp bank hours do not exceed 80 hours and that employees having more than 80 hours in his or her bank shall be given time off work or compensated in the next pay period for all excess hours over said limit.

Whereupon, motion was made by Commissioner Duane Collard to approve Resolution 12-5-90B as presented based upon the Fair Labor Standards and the establishment of an 80 hour maximum comp bank and removal of the one step salary increase originally given in lieu of comp time. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

It was further noted that by the passing of the Resolution that there are a number of individuals who would be compensated for the over 80 hours and those would be prepared for Commission consideration on the next Warrant/Check edit list.

(11)  
RESOLUTION 12-5-90C - CREATING THE POSITION OF COMPUTER PROGRAMMER

Presented to the Commission for their consideration was Resolution 12-5-90C creating the position of a Computer Programmer. Wherein, the person shall work



on the existing program packages on the County mainframe computer as well as work with existing program packages and create new programs for personal computers in County offices. It was noted that the position of Computer

Resolution 12-5-90C, cont. . . .

Programmer does not currently exist. Whereby, the Resolution establishes the position and adds it as a Career Service position, meeting the class specification with hiring to be on a grade 10.

Whereupon, motion was made by Commissioner Duane Collard to approve Resolution 12-5-90C as presented and making it a part of the Emery County Personnel Policy. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(12)

#### OLIVER SPUR - COUNTY ROAD DISPUTE

Emery County Sheriff, Lamar Guymon, together with Road Superintendent Rex Funk addressed the Commission's concern in recent disputes on the Oliver Spur located in Green River. Mr. Funk pointed out that it has been a legitimate County road, dating back to 1962 in which the County has received funds. However, he pointed out that around 1983, Mr. Wilson at that time had requested the gate be closed and the County not make improvements beyond that point. There have been no problems until the present time, wherein other property owners have repeatedly left the gate open, allowing cows out, noting and insisting that it is a County road. Mr. Funk pointed out that it has been the County's policy that as gates have been placed, that they have not done grader work beyond those because of the difficulty in closing the gates and accessing the property as well as the difficulty in this situation of an extremely narrow road and no means in which to turn a grader around. Mr. Funk further pointed out that he has submitted to Mr. Steven Killpack his recommendation that the road be abandoned. It was the consensus of the Commission that they would look at Mr. Killpack's recommendations and together with County Attorney Scott Johansen's recommendation. The Commission directed County Attorney, Scott Johansen to proceed with the necessary paperwork to vacate the road.

Mr. Collard expressed concern in that it was difficult for the County to dead head a road into the properties and that possibly a consideration needed to be given to improving the roads through and around the river and connecting into the Green River City street system.

(13)

#### FOREST SERVICE UPDATE

Forest Service Supervisors Ira Hatch and acting Forest Supervisor John Healey came before the Commission advising them of those programs having been completed or in progress this year.

Mr. John Healey pointed out that the coal drilling program on East Mountain and east of Beaver Creek Mine by UP&L north has concluded for this year, but will resume next year. Questar pipeline is completed and is running gas as previously discussed with the Commission. He pointed out that they have been working with the livestock holders in the livestock grazing program, noting

Forest Service, cont. . . .

that they are receiving pressure from the environmentalists and are trying to get into a positive position which they can defend. He noted that last year, because of the drought conditions that there was a 10% reduction in the number of livestock, a 15% reduction in the time allowed for grazing and it has worked fairly well. The Forest Service is looking forward to a Joe's Valley coordinated resource management program to develop and manage recreation, boat ramps, roads and trail heads. This would be done with the residents, the Forest Service and the Commission.

In regards to the Ferron Reservoir, the Division of Wildlife Resources, it has just about completed draining and they will begin with repairs on the outlet. He will further contact the Commission in regards to any impact anticipated next year as a result of the work being in progress. In regards to the elk herds, Mr. Healey indicated that they would continue requesting increased antlerless permits in order to hold down the herds. Mr. Healey concluded in stating that the Forest Service is committed to meeting the needs of their customers.

Mr. Ira Hatch went on to point out that they are in the process of finalizing the travel plans for the forest and coordinating these with the other forests in providing for uniformity. He indicated they will come back to the Commission with a draft proposal. They would like this completed for next spring. Mr. Hatch also pointed out that the big change in their plan is that all areas are closed and all roads are open unless designated closed.

In regards to the Questar pipeline, Mr. Hatch pointed out that it is 4-1/2 miles of 18" main line which is presently functioning and the reclamation is near complete. He further pointed out that Skyline Mine has moved into that section and is cutting coal and that the bulk of the coal in the future will be from Emery County as they go west. He pointed out that the well that was drilled on East Mountain is a good producer of gas and that they plan to develop to the north over the next two to three years.

Mr. Hatch further expressed appreciation to Commissioner Duane Collard in his efforts in pursuing a winter recreation parking area in Huntington Canyon. Commissioner Collard expressed appreciation to Mr. Hatch in his initiative in providing a site and the engineering as without it, it could not have happened. Mr. Hatch also discussed the previous year's grazing management efforts. He pointed out that above the seven thousand feet level that increased moisture was received and that through the efforts of livestock grazers it worked out well. He pointed out that with the NEPA regulation, that any grazing must be brought into compliance with those guidelines. This is expected to be done over the next three to five years. Also discussed by Mr. Hatch was the Huntington Reservoir and the hopes to resolve the problems there and the County Forest Road Agreement, Rilda Canyon in which UP&L will include that in their mining unit.

Forest Service, cont. . . .

In conclusion, Mr. Hatch and Mr. Healey expressed appreciation to the Commission over the years for their support.

(14)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 12:12 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

Meeting reconvened at 1:52 p.m. with all members present.

(15)

#### ROAD DEPARTMENT BUSINESS - CULVERT BIDS

A) Culvert Bids - Road Superintendent Rex Funk presented to the Commission for their consideration bids received for culverts for the Road Department. The bids were received from Contect Construction Products, Inc., in the amount of \$17,796.24 and Amcor, Inc., in the amount of \$18,648.07 for those sizes and quantities requested. Whereupon, motion was made by Commissioner Jerry Mangum to accept the bid from Contect in the amount of \$17,796.24 as the apparent low bid and authorize Rex Funk to proceed. Motion was seconded by Commissioner Duane Collard and approved by all members present.

B) Other Road Department Business - Mr. Funk briefly discussed the Fillmore Subdivision Bridge in that those residents would be before the Commission next year with their requests. He also pointed out that Assistant Road Superintendent Mike Jensen would be off for approximately two months while recovering from back problems. Also discussed was the Gypsum Resource Development and BLM

road right of way. He noted that the BLM has questioned the interpretation of the Burr Trail guidelines as applicable. However, it was the consensus of the Commission together with Howard Tuttle of Johansen and Tuttle Engineering that the road follows the general alignment of an existing roadway to proceed accordingly.

(16)

#### TEMPORARY REGULAR MEETING ADJOURNMENT

Motion was made by Commissioner Jerry Mangum to temporarily adjourn the Regular Commission meeting at 1:59 p.m. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(17)

#### PUBLIC HEARING - TENTATIVE 1991 EMERY COUNTY BUDGET, LIBRARY, PLANNING AND ZONING, CASTLE VALLEY SPECIAL SERVICE DISTRICT

Commission Chairman Clyde Thompson opened the Public Hearing at 2:00 p.m. to receive public comment on the 1991 tentatively adopted budgets for the Emery County General Fund, Library Fund, Economic Development/Planning and Zoning Fund, including a cost of living raise for all elected officials and County employees, Capital Improvement (Library Building) Fund, and the Castle Valley Special Service District (including a cost of living increase for all employees). Those present at this time were: Maughan Guymon, Leon Draper, Max Larsen, Connie Nelson, Clyde Conover, Todd Winder, Ron Hagan, Sheriff Lamar Guymon, Mike Martinez, Tumau La'ulu, Jim Whear, Emery Jones, Suzanne Jones, Carolyn Randall, Bryant Anderson, Rex Funk, Kent Petersen, Darrel Leamaster, JoAnn Behling, Dorr Hansen, Elizabeth Hansen, John Jorgensen and Virginia Snow.

Commission Chairman Clyde Thompson asked Emery County Auditor Karen Truman to comment in regards to the tentative budget. Auditor Karen Truman indicated that the tentative budget of \$7,883,937 reflects those requests as made by the departments, noting that this is approximately \$270,000 over the actual anticipated Revenue Budget and that since that time there has been another approximate \$200,000 in requests. In which the library has requested \$104,940, Planning and Zoning is up \$10,900.

Commission Chairman Clyde Thompson opened the meeting for public comment.

Clyde Conover, representing the Emery County Nursing Home Board, noted they had submitted a budget for approximately \$100,000 and that possibly this had not been received in time for the tentative budget. Commissioner Thompson concurred in that this was in the additional amounts requested since the tentative budget had been prepared and would be given consideration.

Jim Whear, of the Four Corners Mental Health, expressed appreciation to outgoing Commissioners Jerry Mangum and Duane Collard for their support. He further went on to point out that his budget request submitted October 23 was in the amount of \$53,544 and it was his assumption that it had not been received in time and that the \$49,565 was a reflection of last year's budget. He further went on to note that this amount was even \$1,000 less than the previous year's and that because of changes in assessed valuation and matching State and Federal fund loss would be about \$4,000. He further asked that the alcohol and drug program monies of \$1,500 be put under mental health as part of their programs.

Kent Petersen, Chairman of the Museum Board, noted that the museum work is coming along and wanted to make sure utility monies had been appropriated. Commission Chairman Clyde Thompson responded in that those monies are part of the additional requested amounts, whereas they had not been received in time to be included in the tentative budget, but were part of the final budget.

Public Hearing, cont. . . .

Maughan Guymon, of the Southeastern Utah Association of Local Governments-Aging Program, also expressed appreciation to Commissioners Collard and Mangum for their support in the aging program and also to Commission Chairman Clyde Thompson, noting that they have been one of the more supportive Commissions. Mr. Guymon also pointed out that the State and Federal funds coming into the aging program are based upon matching funds also. He further pointed out that over the last five years he has not requested an increase.

Commissioner Duane Collard, on behalf of the Library Board, indicated that they had met Monday and cut their request by \$104,000. As a result, there would be no increase for the library and that the system would be working without the capital backup which they have had in the past. He further noted that they anticipate a new library in Cleveland and have the money for that.

Tumau La'ulu, from the State Library Commission, asked the Commission whether monies would be allocated for the Bookmobile. Commissioner Duane Collard responded that yes, it had been budgeted and would be so long as the school district would provide the \$5,000. It has been his pledge that so long as the school district would do that, that he would support that. However, he pointed out that no conclusion in regards to the Bookmobile could be made after next year.

Darrel Leamaster, Administrator of the Castle Valley Special Service District, pointed out that in presenting his budget to those present that the Administrative Control Board was in agreement with the recommended budget. He noted

that it is the responsibility of the Emery County Commission to adopt said budget. As to the General Fund, he anticipated that the tax would stay the same. Debt Service, he would like to increase the revenues by \$300,000 annually in order to build up a fund reserve. Wherefore, in the year 1998 be able to retire the debts without tax. He further discussed other budget items and those projects being considered in the future.

Whereupon, Commissioner Thompson inquired if there were others who would like to make comments in regards to the budgets. There being none, he closed the public hearing at 2:25 p.m. and reconvened the regular Commission meeting.

(18)

#### TAX ANTICIPATION NOTE

County Attorney, Scott Johansen reviewed a letter prepared by Deputy County Attorney, Steven Killpack to go out to three banks in soliciting bids on a \$4.8 million Tax Anticipation Note, setting the deadline for receipt of those bids on December 14, 1990, at 11:00 a.m. with notification being sent to Zions First National Bank, First Security Bank and First Interstate Bank. Mr. Johansen further indicated that he would inquire as to the possibility of including investment brokers. It was the request of Commission Chairman Clyde Thompson that those bids be received at the appointed time at the Commission office.

(19)

#### RESOLUTION 12-5-90D - ZONE 7 DROUGHT REQUEST

Mr. Ron Hagan, Resource Coordinator in Zone 7 which consists of Emery, Carbon, Grand and San Juan Counties, Utah Association of Conservation Districts, presented to the Commission for their consideration a proposed resolution. The Resolution requests the County Commission support for a grant in the amount of \$1.1 million for funding of the ARDL program to help conserve water in Utah. It is also to support the Utah Conservation Commission's request through the Utah Department of Agriculture for \$104,000 for technical assistance grants to help local soil conservation districts implement their conservation programs and to request \$60,000 for conservation coordinators.

Whereupon, motion was made by Commissioner Jerry Mangum to approve the proposed Resolution 12-5-90D as presented and authorize Commission Chairman Clyde Thompson to sign the same. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(20)

#### MIKE MARTINEZ - SPECIAL OLYMPICS REQUEST

Mr. Mike Martinez, of the Carbon County Sheriff's Department, came before the

Commission, noting that he has worked with the Special Olympics program. He further pointed out that Kirk Oviatt of Cleveland is one of three in the Carbon-Emery area having been selected to go back to the National competition in Minnesota in May or June. In order to accomplish this their program needs additional equipment as well as with the cost of \$1200 to send each student. From the torch runs, they have been able to contribute \$700 to each person, with the remaining \$500 by each individual. His request of the Commission is that they support Kirk, as well as provide equipment for the program. The Commission requested Mr. Martinez to give his request to the Auditor's office and that consideration would be given by the Commission in the budget process.

(21)

#### 1991 COMMISSION MEETING SCHEDULE

Clerk, Bruce Funk, presented to the Commission for their consideration the tentative 1991 Commission meeting schedule based upon the present meeting schedule of the first and third Wednesday at 10:00 a.m. Mr. Funk pointed out that because of the pending bonding and tax anticipation notes, that there was a need to advertise next year's meeting schedule for inclusion in those documents.

January 2, 1991	10:00 a.m.
January 16, 1991	10:00 a.m.
February 6, 1991	10:00 a.m.
February 20, 1991	10:00 a.m.

#### 1991 Commission Meeting Schedule, cont. . . .

March 6, 1991	10:00 a.m.
March 20, 1991	10:00 a.m.
April 3, 1991	10:00 a.m.
April 17, 1991	10:00 a.m.
May 1, 1991	10:00 a.m.
May 15, 1991	10:00 a.m.
June 5, 1991	10:00 a.m.
June 19, 1991	10:00 a.m.
July 3, 1991	10:00 a.m.
July 17, 1991	10:00 a.m.

August 7, 1991	10:00 a.m.
August 21, 1991	10:00 a.m.
September 4, 1991	10:00 a.m.
September 18, 1991	10:00 a.m.
October 2, 1991	10:00 a.m.
October 16, 1991	10:00 a.m.
November 6, 1991	10:00 a.m.
November 20, 1991	10:00 a.m.
December 4, 1991	10:00 a.m. (Public Hearing @ 2:00 p.m. for 1992 budget)
December 13, 1991	10:00 a.m. (Setting of 1992 budget)

Whereupon, motion was made by Commissioner Duane Collard to approve the meeting schedule for 1991 as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(22)

#### 1991 COUNTY HOLIDAY SCHEDULE

Clerk, Bruce Funk, presented to the Commission for their consideration the 1991 holiday schedule, noting that this is consistent with those days taken in the past which consists of 11-1/2 days.

New Year's Day 1991	Tuesday	01-01-91
Human Rights Day	Monday	01-21-91

1991 County Holiday Schedule, cont. . . .

President's Day	Monday	02-18-91
Memorial Day	Monday	05-27-91
Independence Day	Thursday	07-04-91
Pioneer Day	Wednesday	07-24-91
Labor Day	Monday	09-02-91



Columbus Day	Monday	10-14-91
Veterans Day	Monday	11-11-91
Thanksgiving Day	Thursday	11-28-91
Christmas Eve	Tuesday	12-24-91 (1/2 day)
Christmas Day	Wednesday	12-25-91

Whereupon, motion was made by Commissioner Duane Collard to approve the 1991 holiday schedule as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(23)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:38 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin12-14-90

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

December 14, 1990

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:06 a.m.

Invocation was given by Commissioner Duane Collard.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the December 5, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Jerry Mangum to approve the minutes as corrected. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant Edit List #904352 through and including #904488 for payment. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve all Warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
81	Two Panasonic typewriters - District/Circuit Court	1,090.00	Approved
82	Six tubeless tires - Road	3,000.00	Approved
83	Sanyo dictaphone - Attorney	361.08	Approved
84	Laptop Computer for Commission Minutes - Circuit Court	3,574.35	Approved

Requisitions, cont. . . .

85	File cabinet - Assessor	301.00	Approved
86	Two flag kits - Justice Court	236.00	Approved
87	Judicial robe - Justice Court	160.00	Approved

Motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by

all members present.

(3)

#### OVER 80-HOUR COMP TIME - SETTLEMENT

County Attorney, Scott Johansen reviewed with the Commission that since the establishment of the 80-hour comp time sealing, those employees effected have been compensated for all hours over the 80 hours, with the exception of possibly Jeff Thomas who at that time was not over the 80 hour limit, but is possibly at this time. He further noted that checks have been prepared and releases have been signed by those individuals wherein they agree with the hours as so indicated. He further went on to point out that the County should now be done except for Steve Stream, who has filed a civil action prior to the action of the Commission. It was further clarified by those present and Mr. Johansen that the original resolution requires that any comp time be resolved either by comp time off or by financial reimbursement during the next county pay period.

(4)

#### JUSTICE COURT - RECERTIFICATION

Commission Chairman Clyde Thompson reviewed a letter he received December 10, 1990, from the Administrative Office of the Courts wherein they have reviewed Emery County's application for recertification of the two proposed Justice Court locations. The Committee has found that there were no deficiencies in the application and therefore, will recommend to the Judicial Council recertification when it meets in January. A final decision of the Judicial Council will be conveyed to Emery County in writing prior to the beginning of the term of Court in February. The letter is signed by Richard Schwermer, Justice Court Administrator.

(5)

#### PROPERTY TAX EXTENSION

By memorandum to the Emery County Commission, Treasurer Elaine Wilson asked Commission consideration be given to three property owners who because of non-payment of property taxes, their properties would be considered in the May Tax Sale of 1991. She has asked permission of the Commission at the request of those individuals to sign an agreement with Emery County wherein they would be allowed until the end of November 1991 to pay all property taxes on the properties being considered including the delinquent and current ones. Those properties being considered were Account #25323, DeAnn Wilberg; #1795, Wesley & Elaine Jensen; and #30836, Dick Hancock.

Wherein, after further discussion, motion was made by Commissioner Duane

Collard to approve the property tax extension for the three properties and their owners as requested and that they complete the necessary paperwork and agree to the payment of all taxes to the end of November 1991. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(6)

#### \$4.8 MILLION TAX ANTICIPATION NOTE - BID OPENING

Commission Chairman Clyde Thompson recognized the hour at 11:00 a.m. at which time all bids on the \$4.8 million Tax Anticipation Note were to have been received. Present at this time were Sharon Baker, Manager of First Security Bank, and Errol Holt, Manager of Zions First National Bank. Commission Chairman Clyde Thompson recognized the receipt of two offers, one from First Security Bank and Zions First National Bank.

Commission Chairman Clyde Thompson reviewed First Security Bank's offer noting that documentation therein requires payment of the notes by December 31, 1991, and that they are in increments of \$100,000 at the interest rate of 5.981899%. Commission Chairman Clyde Thompson read aloud also to those present Zions Banks offer wherein the net effective interest rate was in the amount of 6.12%. Commission Chairman Clyde Thompson advised those present that the County would take both offers under advisement and review with legal and bond council.

(7)

#### EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1 - AGREEMENT

County Attorney, Scott Johansen presented to the Commission for their consideration, an agreement between Emery County and the Emery County Special Service District No. 1 wherein Emery County agrees to provide office space, accounting through the County Auditor's office, secretarial help through the County Commission Office and services of the County Attorney's office for an agreed amount of \$10,000 each year. He noted that this is the same agreement as in previous years and that the Special Service District Board is only asking that the Emery County Commission reconfirm.

Special Service District No. 1 Agreement, cont. . . .

Whereupon, motion was made by Commissioner Jerry Mangum to confirm the 1989 agreement in relation to services provided by Emery County as discussed wherein Emery County is reimbursed in the amount of \$10,000 annually. Motion was seconded by Commissioner Duane Collard and approved by all members present. County Attorney Scott Johansen also advised the Commission that he has arranged for a separate private contract with the Service District wherein he will provide legal counsel, noting that also it has been agreed by the other party

that upon any conflict, his first responsibility would be to the County.

(8)

EMERY COUNTY SPECIAL SERVICE DISTRICT - BOARD REAPPOINTMENTS -  
RESOLUTION 12-  
14-90A

County Attorney, Scott Johansen discussed with the Commission a mix up on the terms of office on the Board Members as established on January 1, 1989. He noted that two of those appointments were for two-year terms and three were for one-year terms. In January of 1990, a position was later filled for a two-year term, it originally being a one-year slot. He further advised that all terms of office were originally upon creation of the district to have all been four-year terms and staggered. Therefore, he has drafted Resolution 12-14-90A in order to resolve the terms with the reappointment of Bevan Wilson, Mervin Duncan and Leon Thayne to four-year terms, effective January 1, 1991, and Merrill Swasey and Sherrell Ward to two-year terms effective January 1, 1991. Upon the expiration of the two-year terms on December 31, 1993, these two positions shall become four-year terms.

Whereupon, motion was made by Commissioner Jerry Mangum to approve Resolution 12-14-90A clarifying and establishing the terms of office for the Castle Valley Special Service District No. 1 board appointments. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(9)

TAX ANTICIPATION NOTE - RESOLUTION 12-14-90B - BID AWARD

County Attorney, Scott Johansen came before the Commission advising them that he has discussed both bids with bond counsel. He advised the Commission that not only is First Security Bank the low bid, but all offerings and paperwork was done as requested and it was their recommendation that the Commission proceed with awarding of a Tax Anticipation Note to First Security Bank. Whereupon, motion was made by Commissioner Jerry Mangum to approve Resolution 12-14-90B and recognize First Security Bank as the apparent low bidder with the interest rate at 5.981899% and authorize Commission Chairman Clyde Thompson to initiate and sign the necessary paperwork. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(10)

ADOPTION OF THE 1991 BUDGET - RESOLUTION 12-14-90C

Emery County Auditor, Karen Truman presented Resolution 12-14-90C which is the proposed 1991 budget for Commission consideration. She further noted that line

items #240 and 740 from each office and department have been put into Central Purchasing and that in most cases, although it appears that the budgets have been reduced, budgets have overall gone up.

Road Superintendent Rex Funk requested of the Commission permission to readjust line items and resubmit an adjusted budget, noting that the overall budget would remain the same. It was the consensus of the Commission that Mr. Funk proceed per his request.

Sheriff, Lamar Guymon questioned the Commission as to the number of employees requested and what was actually budgeted. He advised the Commission that he wanted 23 deputies and that the budget reflected only 21. Commissioner Collard responded in that previous employment records for the Sheriff's Department showed in actuality only 21 employees being hired. Sheriff Guymon emphasized that his department was allocated 23 and has that number of positions available in his department. Sheriff Guymon further questioned if the money received from the State which were used on improving the Green River facility could be carried over into the 1991 budget in order to complete the renovation.

Auditor, Karen Truman advised Mr. Guymon that any excess funds would be in the fund balance and that a request would have to be made next year, wherein the Commission would have to open the budget at that time.

Whereupon, motion was made by Commissioner Duane Collard to adopt Resolution 12-14-90C as the Emery County General Revenue and Expenditure Budget in the amount of \$8,167,407; Library Revenue and Expenditures in the amount of \$323,488; Transient Room Tax in the amount of \$10,000; Emergency 911 in the amount of \$20,000; Economic Development/Planning & Zoning in the amount of \$60,312; Capital Improvement Fund Balances & Expenditures in the amount of \$100,000. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(11)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT - 1991 BUDGET ADOPTION

Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Emery County Castle Valley Special Service District 1991 Budget as previously presented. Motion was approved by all members present.

(12)

#### ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 11:50 a.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members

present.

Meeting reconvened at 1:04 p.m. with all members present.

(13)

#### BEAR CANYON CAMPGROUND - REVENUE REPORT

Clerk, Bruce Funk presented to the Commission for their information the financial statement for revenues collected on the rentals at the Bear Canyon Campground for the year 1990. Total receipts, including pavilion and campsite rentals totaled \$7,813.25. Disbursements totalled \$1,817.50, for a net profit of \$6,125.75 for 1990. From that amount, \$6,031.00 was deposited into the County General Fund, \$14.75 was disbursed to Tom Bell for campground collections and the balance remains in the campground checking account to cover outstanding checks, etc.

(14)

#### GREEN RIVER COMMUNITY HEALTH CENTER BUSINESS LICENSE REQUEST

Clerk, Bruce Funk presented to the Commission for their consideration a business license request for the Green River Community Health Center, reviewing with them a letter from the Planning & Zoning Administrator, Bryant Anderson wherein a medical center is not an approved use in the agricultural zone where the described property lies. Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to deny the business license application at this time based upon Mr. Anderson's letter. Motion was approved by all members present.

(15)

#### CENTRAL PURCHASING - COMPUTER PROGRAMMER - CONCERNS AIRED

Clerk, Bruce Funk asked for the opportunity to speak to the Commission concerning the department entitled Central Purchasing and also the creation of the position of Computer Programmer. Mr. Funk indicated that his prime frustration was in how some things appear to be handled which over shadow the right or wrong of such action. He has noticed an increasing concern amongst other courthouse employees for the same reasons.

Mr. Funk reiterated his statement in the elected officials meeting on December 5, 1990, wherein he questioned the Commission as to why the creation of a \$10,000 position in order to save \$1,000, clarifying that what he was trying to say was that could we as elected officials be given the opportunities to give our views, hear the benefits and have our concerns addressed. Wherein the creation of such a position would effect all departments. He further felt that

Central Purchasing/Computer Programmer/Concerns, cont. . . .

this could possibly be done without creating any need for additional personnel. Again, he emphasized how the savings would justify the cost. He further reviewed his discussion with other counties wherein it was apparent that the County should have possibly considered a purchasing agent who handles all purchasing, noting that as such, the savings could possibly far exceed the cost.

As to the creation of a Computer Programmer, if such a position was being created and filled to benefit all elected officials and department heads, that by being made aware prior to the announcement, that we could have taken a more supportive role as well as be able to respond to questions. For example, it was his understanding that no where in the Personnel files, is there documentation that the person being considered can and has completed certified programming courses. His purpose in coming before the Commission was not to question the personnel or their qualifications, but as to the need for the position. He further questioned the justification of the position in that the salary could not come out of assessing and collecting unless he worked full-time, for example, in the Assessor's office and programs. He also questioned the setting of a precedence in not following the current Personnel Policy.

County Recorder, Ina Lee Magnuson, stood before the Commission and voiced her concurrence with those statements as indicated by Mr. Funk.

Whereupon, the time was turned to Karen Peacock, of the Emery County Employee Committee. Wherein, she handed to the Commission the committee's letter dated December 14, 1990, in which she read aloud. Wherein, the Committee expressed concern and wanted it made a part of the public record regarding the procedure that the Commission chose in hiring for the newly created position of Computer Programmer. Referred to was Section V, Hiring for a New and Vacant Position in the Personnel Policy. The Committee indicated that it required in the creation of a new position that the opening be posted for a period of time, where all County employees shall be made aware of this position and the opportunity for promotion. It was noted that this has not happened.

Also questioned was whether it was fair to expect the County employees to comply with the Personnel Policy when those who established the policy do not feel they have to abide by the same rules and that the issue before the Commission was one of fairness and equity. Further questioned of the Commission was that in the creation of such a position that it has an effect on the operation of every department within the County and that it seemed prudent to consult with those who are most directly effected by the action. Noted was that at no time has the majority of the elected officials and department heads been consulted nor advised prior to the meeting of December 5, 1990. In conclusion, the employee committee requested that the Commission comply with its Personnel Policy by being open and fair in the fulfilling of the proposed



Computer Programmer position and that proper advertisement of newly created positions be made to all County employees.

Central Purchasing/Computer Programmer/Concerns, cont. . . .

Commissioner Duane Collard at this time responded to the concerns expressed in that he felt the Emery County Employees Committee was fully within their rights to represent their concerns before the Commission. He noted that all concerned, directly effected employees had been contacted in regards to creating the position of Computer Programmer. He indicated that the Commission has made an interpretation of the Personnel Policy and it is their right as a Commission. In that the Commission as head of the County Personnel, has the right to take any such actions with or without the approval of any one else. In that, if there were mistakes made, that they might have to back up, but from their indications, there are no errors and they have acted properly and that others who have expressed concerns, that it is really none of their business.

Commissioner Duane Collard again emphasized that the Commission had the right to interpret as they think it should be interpreted. As to the Central Purchasing, it was Commissioner Collard's feeling that the County could not afford to hire a person to take care of Central Purchasing, in that they could not save that much money. It was his intent that another employee be hired to take David Wilson's place and that the new hire would not spend much of their time with purchasing in that it would only require a small amount of time.

As to the budgeting process, Commissioner Collard responded in that the Commission does set the budgets for the Departments and it is their policy that once the budget is set, it is the departments budget and that whatever they have requested, they have gotten. He emphasized that some think that their department is more important over others and does not see the other's needs and the Commission has to work within the perimeters and feel that they have done a reasonable job.

Commissioner Jerry Mangum, responding to the creation of the Computer Programmer, indicated that this does not seem out of the ordinary to that which has taken place in other departments or offices, wherein other new positions have been created, so as to give the employees promotions.

The Employee Committee indicated that it was their understanding that Data Processing Coordinator, Alice Ann Snyder had not been advised of the creation of the position until everything was done and that she had no input as to the determination of the individual to take that position. (Commissioner Collard responded that this was not correct in that Alice Ann Snyder had input regarding the position at the early stage and as such, action has received her approval.

Carol Ware, member of the Employee Committee, addressed the Commission in that previously, the week before, the Employee Committee had met together with Commission Chairman Clyde Thompson and Personnel Director, Pat Snowball, and had not received a response back after that meeting. Also, she inquired of the Commission whether the person filling the position would be able to go into the PMS main frame programs. Commissioner Duane Collard responded in that

Central Purchasing/Computer Programmer/Concerns, cont. . . .

after sufficient training, that he would be able to do that aspect as part computer programming. (Upon looking into Resolution 12-5-90C by the Clerk's office, that the position of Computer Programmer is within the Data Processing Department.)

After additional comments, Commission Chairman Clyde Thompson asked that discussion cease and that they move onto other matters of business.

(16)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Ray Peterson-Road Department - Presented was the Personnel Action Form for Ray Peterson of the Road Department who had been recommended by Road Superintendent Rex Funk to receive his six-month probationary increase as a Crew Leader, moving from a Grade 13, Step 4 or a salary of \$2,112 per month to a Grade 13, Step 5 or a salary of \$2,181 per month. Mrs. Snowball indicated that he is the only foreman left on this grade and step. Whereupon, motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Ray Peterson as presented. Motion was approved by all members present. Effective date is October 1, 1990.

B) Guy Webster-Sheriff's Department - Presented was the Personnel Action Form for Guy Webster of the Sheriff's Office who has completed his POST training. It was proposed that he be reclassified from a Dispatcher at a Grade 9, Step 1 or a salary of \$1,622 per month to that of a Patrol Deputy II at a Grade 11, Step 1, or a salary of \$1,800 per month. Motion was made by Commissioner Duane Collard to approve the Personnel Action Form for Guy Webster as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Effective date is December 1, 1990.

C) Peggy Anderson-Clerk's Office - Presented was the Personnel Action Form for Peggy Anderson of the Clerk's Office who has completed her six-month probationary period. It was recommended that she be increased from an hourly rate of

\$7.30 per hour to \$7.53 per hour, this being commensurate with a Grade 5, Step 2. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Action Form for Peggy Anderson as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

D) Patricia Geary-Attorney's Office - Presented was the Personnel Action Form for Patricia Geary to be hired as a Deputy County Attorney. This is a full-time position working 40 hours per week at a yearly salary of \$37,000. County Attorney Scott Johansen indicated that the new hire will be exempt from the Personnel Policy in every respect and that she shall not engage in any private practice during her term of employment with the County. He further advised

Personnel Items, cont. . . .

the Commission that she has worked the last year as a Deputy County Attorney in Millard County and prior to that she has worked for appellate judges. Mr. Johansen further informed the Commission that he has prepared an employment contract. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Patricia Geary as presented. Motion was approved by all members present. Effective date is January 2, 1991.

E) Mary Gomez-Attorney's Office - Presented was the Personnel Action Form for Mary Gomez to be hired as a Deputy County Attorney. This is a full-time position working 40 hours per week at a yearly salary of \$25,000. County Attorney Scott Johansen indicated that the new hire will be exempt from the Personnel Policy in every respect and that she shall not engage in any private practice during her term of employment with the County. In responding to background, Mr. Johansen indicated that she has been a member of the Bar for two years, she has been a clerk to a District Court Judge in Elko, Nevada and that he feels she is an excellent individual. He further noted that he has reviewed over two dozen resumes, and had over ten interviews in coming up with the final selection. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Mary Gomez as presented. Motion was approved by all members present. Effective date is December 17, 1990.

F) Jami Luce-Attorney's Office - Presented was the Personnel Action Form for Jami Luce to be hired as a 3/4 time Legal Secretary in the Attorney's Office to be paid at the rate of \$8.10 per hour, commensurate with a Grade 7, Step 1. Motion was made by Commissioner Jerry Mangum and seconded by Commissioner Duane Collard to approve the Personnel Action Form for Jami Luce as presented. Motion was approved by all members present. Effective date is January 2, 1991.

G) David Wilson-Computer Programmer - Presented was the Personnel Action Form for David Wilson to fill the position of Computer Programmer. He previously having worked both in the Data Processing, working 1/4 time at the rate of \$656.50 per month and in the Auditor's Office, working 3/4 time at the rate of \$588.00 per month. The new position is at a Grade 10, Step 1 or a salary of \$1,639 per month and is exempt from FLSA based on administrative criteria. This is a promotion. Commissioner Collard further advised that PMS in their evaluation on the JP program and equipment, that upgrading of the present system is necessary. Commissioner Collard anticipates that the County will expend approximately \$62,000 to upgrade the computer to get the Justice Court System in Castle Dale on it. This would include training costs for David. He noted that it will take David some time before he gets completely into the computer, possibly several weeks. He further advised that the County will procure him a PC to get started with and that possibly he would be phased into the position.

Personnel Items, cont. . . .

Whereupon, motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve the Personnel Action Form for David Wilson as presented. Motion was approved by all members present. Effective date is December 17, 1990.

H) Resolution 12-14-90D AMENDING THE PERSONNEL POLICY AS IT APPLIES TO A

DEPUTY AUDITOR - Presented to the Commission was Resolution 12-14-90D which amends the Class Specifications for a Deputy Auditor, noting that the new description requires a background for inventory or purchasing, as well as other updates and required experiences on the computer. A copy of the Class Specification was also included. Whereupon, motion was made by Commissioner Duane Collard to approve Resolution 12-14-90D which amends the Emery County Personnel Policy and the Class Title of Deputy Auditor as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

I) Deputy Auditor-Personnel Requisition - Presented was the Personnel Requisition Form for the position title of Deputy Auditor in the Auditor's office. This is a permanent full-time position replacing David Wilson. The beginning pay scale is on a Grade 5, Step 1 or a salary of \$1,266 per month. The position will be advertised in-house first as required by the personnel policy to be filled by January 2, 1991. Whereupon, motion was made by Commissioner Jerry Mangum to approve the Personnel Requisition Form and begin the recruitment process for a Deputy Auditor in the Auditor's office as presented. Motion was seconded by Commissioner Duane Collard and approved by

all members present.

J) Road Superintendent Carry Over of Vacation Time - Presented by memorandum to the Commission was a request on behalf of Road Superintendent Rex Funk who as of December 31, 1990, will have approximately 50 hours of vacation time over the 40 permitted. It was Mr. Funk's request to carry the 50 hours over into the first quarter of 1991. Mr. Funk further advised the Commission that he had planned vacation, but because of important meetings and classes which have come up, he will not be able to complete his vacation and therefore, makes that request. Commissioner Jerry Mangum noted that he recommended that Mr. Funk attend those classes as it would be in the best interest of Emery County. Whereupon, motion was made by Commissioner Duane Collard to approve the vacation time carry over for Rex Funk as discussed. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(17)

#### ANIMAL CONTROL ORDINANCE CONSIDERATION

Animal Control Officer Stan Nelson inquired of the Commission as to the present status of a previously proposed Animal Control Ordinance. The Commission responded in that no action had been taken and that Commissioner Duane Collard has completed a review of the Ordinance and that before any further action would be considered, that those people who attended the original public hearing in regards to the Ordinance should be notified as per the Commission agreement and submitted a copy of the proposed Ordinance and allowed sufficient time to respond. After which, the Commission would give it further consideration. The Clerk's Office will make the necessary copies and provide the names of those in attendance at the previous Commission meeting as discussed. (Copies sent to Tina Thompson, Clifton Elliott, Jr., Dennis Russell and John Eddins of Cleveland, Jim Johnson and Jim Fauver of Orangeville, Doug Sorensen of Clawson, Don and Carol Riddle of Emery, and Sheriff Lamar Guymon.)

(18)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:36 p.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present.

ATTEST

CHAIRMAN

ComMin1-2-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 2, 1991

Those present at the meeting were Commissioners Clyde Thompson, Jerry Mangum and Duane Collard; Deputy County Attorney, Steven Killpack; and Clerk, Bruce C.Funk.

The meeting was called to order by Commission Chairman Clyde Thompson at 10:00 a.m. who recognized the attendance of Commissioner-Elect Dixie Thompson; Treasurer-Elect JoAnn Behling; Sheriff, Lamar Guymon; Assessor, Jim Fauver; and Recorder, Ina Lee Magnuson.

Invocation was given by Commissioner Jerry Mangum

A review of the agenda was made.

(1) COMMISSIONERS MINUTES

The minutes of the December 14, 1990, Commission meeting were reviewed and corrected. Motion was made by Commissioner Duane Collard to approve the minutes as corrected. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(2) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #904499 through and including #904621 for payment. Motion was made by Commissioner Duane Collard and seconded by Commissioner Jerry Mangum to approve all Warrants for payment. Motion was approved by all members present.

Req. #	Item and Description	Amount	Action
89	Computer workstation - Data Processing	326.00	Approved
90	Epson computer & printer - Data Processing	2,735.00	Approved

91	Okidata printer - Assessor	599.00	Approved
92	Hard drive & color monitor - Assessor	1,349.00	Approved

Requisitions, cont. . . .

93	Hon filing cabinet - Assessor	546.54	Approved
94	Computer stand - Economic Development	129.00	Approved
95	Mac Computer - Economic Development	1,400.00	Approved
96	Two desks, printer stands, hutches, machine tables, and file cabinets, one chair & paper tray - Assessor	2,355.51	Approved
97	Printer for jail - Sheriff	525.00	Approved

Whereupon, motion was made by Commissioner Jerry Mangum to approve the requisitions for purchase. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(3) COUNCIL ON AGING BOARD MEMBER REAPPOINTMENT

Commission Chairman Clyde Thompson advised those present that the term of office of Orlon Brockbank who serves on the Council on Aging has expired. Therefore, it was requested that Mr. Kay Jewkes be appointed to replace Mr. Brockbank to the three year-term effective July 1, 1990. Whereupon, motion was made by Commissioner Jerry Mangum to appoint Kay Jewkes to the Council on Aging Board as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(4) 1990 BUDGET ADJUSTMENT - RESOLUTION 1-2-91A

Auditor, Karen Truman presented to the Commission a proposed 1990 Emery County Revenue and Expenditure Budget adjustment as contained in Resolution 1-2-91A.

She noted that the major increases are to the Sheriff's office department and that the overall total revenue and expenditure budgets remain the same. Also presented to the Commission was the detailed budget adjustment showing those budgets which were debited and credited. Whereupon, motion was made by Commissioner Jerry Mangum to approve Resolution 1-2-91A as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(5) 1991 EMERY COUNTY BUDGET AMENDMENTS - RESOLUTION 1-2-91B

Auditor, Karen Truman presented to the Commission Resolution 1-2-91B. This Resolution amends the 1991 budget as originally approved on December 14, 1990, with the original adopted budget and the present amended budget total general revenue and expenditures remaining at \$8,167,407. She noted that there was a need to transfer funds from the Sheriff's department and drug enforcement into Special Counsel, with all other budgets remaining the same. Whereupon, motion was made by Commissioner Jerry Mangum to approve Resolution 1-2-91B as presented. Motion was seconded by Commissioner Duane Collard and approved by all members present.

(6) TCI CABLEVISION - FRANCHISE RATE INCREASE

The Commission read a letter received from TCI Cablevision in which they have received an award for the best customer service. Along with that notification was a request of the Commission to increase their subscriber rates. It was the consensus of the Commission that this be referred to the Attorney's office for further consideration.

(7) UTAH LOCAL GOVERNMENTS - ROAD DEPARTMENT INSPECTION

The Commission briefly reviewed a report received from the Utah Local Governments Trust wherein they have inspected the Road Department and listed several small concerns. Two major concerns were that the parts washer have an automatic closing lid and that the capacity be posted on the hoist beam. The Commission asked that copies be made of the report and given to Road Superintendent Rex Funk who received the same at this time.

(8) CLEVELAND LIBRARY - AWARDING OF CONSTRUCTION CONTRACT

Commissioner Duane Collard advised the Commission that Kent Stilson was the apparent low bidder for the construction of the Cleveland Library. He further indicated that at present bonding was not ready for signing today, but that it was expected by Friday. Therefore, motion was made by Commissioner Duane Collard that Commission Chairman Clyde Thompson or himself be authorized to sign those contracts, awarding the contract to Kent Stilson in the amount of \$85,634, when the paper work is completed and brought before them. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.



Commissioner Duane Collard noted that Nielson Construction also bid on the project, the construction cost is lower than on the Elmo Library as a result of not requiring the sidewalks and porch that were needed at Elmo because of the elevation.

(9) APPRECIATION PLAQUE FROM THE SHERIFF'S OFFICE TO COMMISSIONER COLLARD

Sheriff, Lamar Guymon addressed the Commission, expressing appreciation to Commissioner Duane Collard for his efforts in behalf of and in working with and for the Sheriff's Department. Sheriff Guymon presented to Commissioner Collard a Certificate of Appreciation plaque from Emery County Sheriff Lamar Guymon and staff. Commissioner Collard responded in that he has gotten a lot of good out of working with the Sheriff's Department as well as a lot of good personal experience.

(10) TAX ANTICIPATION NOTE - REINVESTMENT BID

Commission Chairman Clyde Thompson recognized the time at 11:00 a.m. which was set apart for the opening of bids for reinvestment of the Tax Anticipation money. Two bids have been received. The first one was from Zions First National Bank represented by Connie Jones in that accrued interest would amount to \$141,842.23 over the investment period. The second bid received was from First Security Bank represented by Sharon Baker with accrued interest in the amount of \$144,893.10 over the investment period. It was further noted that First Interstate Bank had not responded. Also in attendance was Treasurer, Elaine Wilson.

Commission Chairman Clyde Thompson recognized First Security Bank as putting forth the best offer for reinvestment of the Tax Anticipation Note. However, he indicated that this would first be reviewed by the County Attorney's office and that further consideration and awarding would be made later this day. (11) EMERY WATER CONSERVANCY DISTRICT - BOARD REAPPOINTMENTS

County Attorney, Scott Johansen advised the Commission that the terms of Kay Jensen, Paul Crawford and Eugene Johansen who presently serve on the Emery Water Conservancy District have expired. He indicated that they are willing to serve another term on the Board. Whereupon, motion was made by Commissioner Duane Collard to approve the reappointment of Kay Jensen, Paul Crawford and Eugene Johansen to another four-year term on the Emery Water Conservancy District, effective January 1991. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

(12) ADJOURNMENT FOR LUNCH

Motion to adjourn for lunch at 11:10 a.m. was made by Commissioner Jerry Mangum, seconded by Commissioner Duane Collard and approved by all members present. Meeting reconvened at 1:32 p.m. with all members present.

### (13) ANIMAL CONTROL ORDINANCE

Emery County Animal Control Officer Stan Nelson came before the Commission noting that he has not received any comments, either pro or con, in regards to the Animal Control Ordinance mailed to those interested individuals as discussed in the previous Commission meeting. Emery County Clerk, Bruce Funk indicated that he had received comments from Doug and Cheryl Sorensen, a copy of which was presented to those present for their review. Commissioner Duane Collard indicated that there had been revisions made previously to that Ordinance. He reviewed those changes at this time. After addressing those changes and concerns, Commissioner Collard indicated that he would meet with Clerk, Bruce Funk and work up a revised Animal Control Ordinance which is to be sent to those who have expressed an interest or provided comments by mail.

### (14) AWARDING OF THE TAX ANTICIPATION NOTE REINVESTMENT

Deputy County Attorney, Steven Killpack advised the Commission that he has reviewed the documentation of the bids submitted by Zions First National Bank and First Security Bank. He recommended the reinvestment with First Security Bank, who was the apparent high bidder for the reinvestment. Whereupon, motion was made by Commissioner Duane Collard to recognize First Security Bank as the high bidder and proceed with the reinvestment through them of the \$4.8 million Tax Anticipation Note. Motion was seconded by Commissioner Jerry Mangum and approved by all members present. Also, the Commission directed the County Attorney's office to proceed with making the necessary arrangements for the reinvestment.

### (15) GYPSUM RESOURCE DEVELOPMENT - 90 DAY EXTENSION

Emery County Economic Development Director, Bryant Anderson reviewed with the Commission the progress with Gypsum Resource Development, noting that the original agreement provided for a 30-day extension. However, he felt that and concurred by Rodney Despain, that they recommend another extension of 90 days. He noted that the site plans are in place, that road inspections have been done and some of the repair is nearing completion by Nielson Construction. He further discussed with the Commission possible consideration of the South Haul road, noting that GRD has money to spend. However, they did not want to work against the tourism. Therefore, they need to look into the effect.

He also presented to the Commission for their consideration a draft Resolution prepared by Mr. Despain for their consideration. Also discussed was the possibility of a ton mile user fee for the construction and maintenance of County roads to be assessed.

Gypsum Resource, cont. . . .

Whereupon, motion was made by Commissioner Jerry Mangum to extend the present agreement with Gypsum Resource Development for another 90 days. Motion was

seconded by Commissioner Duane Collard and approved by all members present.

(16)

#### ECONOMIC DEVELOPMENT - OTHER BUSINESS

Emery County Economic Development Director, Bryant Anderson also presented to the Commission for their consideration the purchasing of a mac package, computers, etc., for use in his office, particularly by his secretarial help. Whereupon, motion was made by Commissioner Jerry Mangum to approve the purchase of said equipment. Motion was seconded by Commissioner Duane Collard and approved by all members present.

Commissioner Duane Collard asked that consideration be given by Economic Development and the Emery County Special Service District in the creation of a master plan for road improvement. This would both aid in increased tourism as well as serve the needs in the County. In other words, get everyone headed in the same direction. Commissioner Collard further emphasized if we are to develop tourism in Emery County, there is a need to get everyone involved. It was further emphasized that those funds coming to the Emery County Special Service District would greatly increase over the coming years and that improvements made on the road being used by Gypsum Resource Development would be a mining impacted road as well as serve the tourism.

#### (17) PERSONNEL ITEMS

A) Terry Draney-Transfer - Emery County Personnel Director, Pat Snowball presented to the Commission for their consideration the Personnel Action Form for Terry Draney in the Assessor's office to be transferred to the Auditor's Office as a Deputy Auditor at the same Grade and Step, at a Grade 5, Step 2. She noted that in addition, that the job description has been revised to include the duties of Central Purchasing, with an effective date of January 7, 1991. Whereupon, motion was made by Commissioner Duane Collard to approve the Personnel Action Form for Terry Draney as presented. Motion was seconded by Commissioner Jerry Mangum and approved by all members present.

B) Other Business - Emery County Commissioner Jerry Mangum asked Personnel Director Pat Snowball to look into the request of the Emery County Nursing Home for consideration of inclusion in the County Health Program. Mrs. Snowball indicated that the Castle Valley Special Service District presently participates. This was because they also comply primarily with the Emery County Personnel Policy, but was unsure how this would effect the Nursing Home, but would look into it and report back.

Personnel Items, cont. . . .

C) Continued Commission Insurance Coverage - Commissioner Mangum inquired of

Pat Snowball as to when the insurance is terminated on himself and Commissioner Collard. She indicated that as she understood the policy that the present Commission would be covered to the 1st of February and that under the Cobra Program, they can purchase additional insurance by paying two months in advance. The present cost is \$441.00 per month. Commissioner Mangum questioned whether this is the actual cost. Commissioner Collard responded in that the actual cost has never been established. Commission Chairman Thompson noted that they haven't increased the cost and that it is expected that this year, the County would be drawing off any excess. At this point, actual costs could not be established. Mrs. Snowball indicated that she would provide to these Commissioners the necessary forms for them to sign up for the insurance. She further advised the Commission that it is her understanding that because working the first week in January, that they will be entitled to 1/2 pay check with the new Commissioners-elect receiving 3/4 pay check for the month of January.

(17) MEETING ADJOURNMENT

Motion to adjourn the meeting at 3:00 p.m. was made by Commissioner Duane Collard, seconded by Commissioner Jerry Mangum and approved by all members present.

ATTEST

CHAIRMAN

ComMin1-16-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 16, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott N. Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commissioner Dixie Thompson at 9:08 a.m. who welcomed all present.

The invocation was given by Commissioner Mark Justice.

A review of the agenda was made.

(1) COMMISSION CHAIRMANSHIP

Motion was made by Commissioner Mark Justice to appoint Commissioner Dixie Thompson as the Commission Chair for the year 1991. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

## (2) COMMISSIONERS MINUTES

The minutes of the January 2, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

## (3) BEAR CANYON PAVILION RENTAL RATES

Clerk, Bruce Funk presented to the Commission for their consideration a proposed 1991 rate schedule for the pavilion use at the Bear Canyon Campground. He noted that the only difference compared to the previous year's is that the group sizes have been broken down into smaller units. Whereas, in the reservation rates for groups under 50 remains the same. Previously, the group sizes ranged from 50 to 100, 100 to 200 and 200 and more. They have been changed to read under 50, 51 to 100, 101 to 150, 151 to 200, 201 to 300 and 301 and more. He noted that there is basically no overall difference in the fee rates, indicating that this would better meet the needs of the pavilion users. Whereupon, motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approved the proposed rates for the 1991 Bear Canyon Pavilion rental year as presented. Motion was approved by all members present.

Bear Canyon, cont. . . .

Commissioner Clyde Thompson advised those present that a contract needs to be made with Mr. Tom Bell, the present caretaker, as he has indicated possibly that he would not continue his services in the future. Commissioner Mark Justice indicated that he would follow up and contact Mr. Bell.

## (4) VIRGINIA TALBOT - STATE, FEDERAL AND BLM SIGNING IN EMERY COUNTY

Virginia Talbot, of Ferron, Utah, came before the Commission indicating that the State, Federal and BLM road Commissioners refused to acknowledge that Emery County exists and that there are emergency services available, food, phones, lodging, gas, etc. This is through their unwillingness to indicate the same to travelers both on State, Federal, Interstate-70 and BLM roads throughout the County. She further pointed out that the Eagle Canyon/Moore Road, being a graveled road, that the BLM and others have indicated that no signs will be erected on such dirt-type roads.

Wherein, she presented to the Commission photographs taken on other BLM roads

within the County, giving directions to other points of interest. She further pointed out that those traveling I-70 recognize the existence of communities and it should be to the discretion of the traveler to travel to those communities. However, this is being discouraged because of lack of highway access signs indicating distances and services. She further pointed out signing along I-70 at the Crescent Junction indicating food, gas, lodging, etc., at a distance of 30 miles. She further pointed out that we can build the greatest museum, the tourist potentials, but first the people have to be able to find us. Many people that they have talked to mentioned the lack of signs and were also upset about the dinosaur quarry hours.

Commissioner Mark Justice inquired as to Mrs. Talbot's feelings about signing at Interstate intersections. Mrs. Talbot indicated that signing is a must. Commissioner Clyde Thompson pointed out that the federal highway is very restrictive and that Vaughn Frandsen has been working with UDOT, BLM and other federal agencies. Further pointing out that information signs are being prepared for I-70 rest areas which would be of additional help to the County.

Commissioner Mark Justice also shared concern in having proper access, particularly with the completion of the museum and the importance of having a corridor with other improvements and would hope that improvements can be made on the situation. The Commission expressed appreciation to Mrs. Talbot for her comments and concerns.

(5)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #910001 through and including #910162 for payment. Also presented were the two additional claims, one from Lands and Forestry for \$449.00 and a claim from Emery Recycling for management of the landfill for the month of January. Motion was made by Commissioner Clyde Thompson to approve Warrants #910001 through and including #910162 for payment, with the agreement of the full Commission that add-on warrants for the Land and Forestry be held for further clarification and that the landfill claim to Emery Recycling be held until discussion later this meeting on that matter. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Req. #	Item and Description	Amount	Action
1	Speedometer cable repair kit - Road	380.26	

Motion was made by Commissioner Clyde Thompson to approve the requisition for

purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

#### (6) DISPOSITION OF CALCULATORS

Presented was the disposition for two calculators. Auditor Karen Truman indicated that they are of no value, they are not functional and recommended that they be thrown away. Also discussed was the possibility that these be included in an auction. However, it was felt that wherein they were of no value, together with the consideration that the County had to be careful as to how they did dispose of them. Motion was made by Commissioner Clyde Thompson to destroy the calculators with the papers to be burned. Motion was seconded by Commissioner Mark Justice and approved by all members present.

#### (7) MAUGHAN GUYMON - PRESENTATION OF PLAQUE TO COMMISSIONER CLYDE THOMPSON

Mr. Maughan Guymon, Director of the Area Aging program, came before the Commission, expressing appreciation for Commissioner Thompson's support of the Senior Citizens and the Area Agency on Aging. He then presented to Commissioner Clyde Thompson a plaque and expressed appreciation to the present Commission as well as the past Commission for their support of the aging program.

#### (8) ACCEPTANCE OF THE PLAT SURVEYS - RESOLUTIONS 1-16-91

Recorder, Ina Lee Magnuson, together with Craig Johansen of Johansen and Tuttle Engineering presented to the Commission the resurvey plats completed by Johansen and Tuttle Engineering for the year 1990. Mr. Johansen advised the new Commissioners as to the involvement of his company and the purpose of the resurvey initiated five to six years ago on behalf of Emery County.

Commissioner Mark Justice inquired if there was an existing agreement for those services with the County. Mr. Johansen responded that there was one for the first year, however, there presently is not. Therefore, it was the recommendation of Commissioner Justice, that such an agreement would be beneficial to both parties. Mr. Johansen would be willing to prepare such an agreement for Commission consideration at their next Commission meeting. Mr. Johansen further inquired as to those areas in which the Commission would be desirous of him to proceed with. Areas were discussed, however, a recommendation by Commissioner Mark Justice as agreed by all was that Recorder, Ina Lee Magnuson make a recommendation to the Commission after review with the engineering firm. Wherein, Resolution 1-16-91 was presented to the Commission for consideration which covers the resurveying of nine sections.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the plats and Resolution 1-16-91 as presented and authorize Commission Chairman Dixie Thompson to sign the same. Motion was seconded by Commissioner Mark Justice and approved by all members present. It was agreed that further action as to the agreement would be scheduled for the next Commission meeting as an agenda item.

(9) APRIL CLEMENTS - 4-H STATE WINNER IN PUBLIC SPEAKING - PRESENTATION OF SPEECH

April Clements, of Castle Dale, Utah, a Senior at Emery High School and a 4-H public speaking State contest winner presented her winning speech to the Emery County Commission and those in attendance at this time. Her talk centered around the benefits of the 4-H peer helper program as means in assisting youth in Emery County. She further expressed appreciation to the Commission for this opportunity. The Commission expressed appreciation to her for her talent and the recognition which she has brought to Emery County.

(10) GREG PALACIOS OF TCI CABLEVISION - SERVICE TO EMERY COUNTY

Mr. Greg Palacios, Regional Manager of TCI Cablevision, came before the Commission to discuss the cable television service to Emery County. Commissioner Mark Justice indicated that it was his understanding that TCI Cablevision pay a yearly fee of \$75.00 or 3% of the gross revenue and he assumed that which ever fee is greater would be paid. Mr. Palacios indicated that according

TCI Cablevision, cont. . . .

to his records that there were only four subscribers within the County boundaries and therefore, the annual fee of \$75.00 was the greater amount.

Commissioner Mark Justice further inquired as to why it appeared that they were unwilling to provide service within the County and other communities. Mr. Palacios indicated that they are in a business and that the item of capital outlay versus profit is the prime determining factor. Although he indicated that in the past he has submitted the town of Emery twice, but has been turned down. He noted that another consideration is the great distance between homes which makes it more costly. However, he did indicate that with the request of the Commission, he would again resubmit it on behalf of Emery. As to the question of four County subscribers, he indicated that a more accurate determination would be made by their service representative in the future because of the uncertainty of boundaries. He further reviewed those costs per mile for cable installation service. He recognized the possibility of allowing other companies to build in smaller towns such as what has occurred in Cleveland.

Commissioner Mark Justice asked for the opportunity to visit with Mr. Palacios and to look at the system meeting the needs of subscribers and residents within the County. Commissioner Mark Justice expressed appreciation for Mr. Palacios willingness to meet and discuss these matters.



(11) EMERY COUNTY LANDFILL - MANAGEMENT CONTRACT  
CONSIDERATION

Mr. Ron Barney, Manager of the Emery County Landfill and owner and operator of Emery Recycling presented to the Commission an overview of the operation of the Emery County Landfill and proposals previously given to the Commission. He pointed out that mistakes have been made by himself and others, referring to previous Commissioners and that trash has been buried in drainage areas. He further reviewed the need for other improvements at the site. He reviewed the proposal given to the previous Commission last September indicating that he has never received a response. He noted that his equipment and personnel are worn out and that management of the landfill in order to comply with the law would be expected to run the County approximately \$100,000 annually. He further noted that possibly consideration needed to be given to leasing the landfill to a private firm with the County not involved and that those using the facility pay for those costs through fees charged.

Commissioner Mark Justice recognized the landfill as a long-term problem. He inquired of Mr. Barney if he would consider entering into a temporary agreement allowing Emery County to initiate a study to determine what the County needs to do. He further inquired whether Mr. Barney would consider an annual fee of \$60,000 this first year as a sufficient amount for him to continue managing the landfill under the present agreement while the Commission determined whether the landfill needed to be left in private hands or to be re-bid to all interested parties.

Landfill, cont. . .

Mr. Barney replied that would not be sufficient funding to properly manage the landfill. However, he did agree to stay at the landfill through the month of January based upon the present agreement. Whereupon, motion was made by Commissioner Mark Justice to approve the retention of Emery Recycling as the managers of the Emery Landfill to continue with the present agreement through the month of January. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Mr. Barney further inquired of the Commission if he could purchase the computer paper of the County, noting that he has a market for disposal of the same. It was the consensus of the Commission that they had no problem with that and Mr. Barney will get back later to the Commission in regards to this matter.

(12) PURCHASE OF A CAMCORDER FOR RECORDING OF COMMISSION  
MINUTES

Commission Chairman Dixie Thompson proposed to the Commission that because of problems of what is said and recorded in Commission meeting that purchase of camcorder be made and located in the Commission chambers to record the entire meeting. Commissioner Clyde Thompson questioned in that this would possibly

require the hiring of a person to operate the equipment. After further discussion, it was felt that the equipment could be located in one of the back corners.

Treasurer, JoAnn Behling questioned the Commission as to the intent of such a recording device. She pointed out that the Commission minutes, once approved are the legal record of the action taken by the Commission.

Clerk, Bruce Funk questioned the cost of the camcorder. He noted that recording equipment, with proper installation of microphones, could possibly be a better alternative. However, he would support the Commission in their decision. He further pointed out that retention of such tapes would be a public record. Excerpts could be taken out of context. However, the Commission felt that a time limit could be set upon retaining those tapes.

County Attorney, Scott Johansen expressed his concern as to the admissability of such recordings in court. He further clarified how minutes could be changed at a later time if the Commission was so desirous. Also mentioned by others was the possibility that the video recording equipment would possibly intimidate those addressing the Commission.

Whereupon, motion was made by Commissioner Mark Justice to table this action in regards to the purchase of a camcorder to allow for further review and study. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

### (13) STEVE STREAM - SHERIFF'S DEPARTMENT - WAGE AND BENEFIT CONCERNS

Sergeant Steve Stream came before the Commission to discuss three matters. He indicated that the first matter he would be discussing is a personal matter, the second concerns sergeants benefits and the third concern to benefit all deputies.

Mr. Stream requested of the Commission that they consider reimbursing him for wages and costs incurred during his required leave of absence from the Sheriff's Department. He noted that he lost wages in the amount of \$2,907 and paid medical coverage in the amount of \$551.00 or a total of \$3,458. Commission Chairman Dixie Thompson asked Personnel Director Pat Snowball if the Personnel Policy requires that employees, while running for an office had to be dropped from their medical coverage. Mr. Stream also pointed out that he did not accrue the one additional sick and vacation day during that period. Commissioner Mark Justice inquired of the time period being considered here. Mr. Stream responded in that it was from September 25 through November 6. Personnel Director Pat Snowball, pointed out that the policy does not address the fringe benefits of an employee placed on temporary leave. She further referred to other areas for clarification of the benefits. In 1985, the Commission

recognized that because of various circumstances, while taking a leave of absence, that each case would have to be considered on a case by case basis. The situation was further addressed when Jim Fauver was required to take a leave of absence when he ran for Emery County Assessor, wherein he paid his own benefits. Therefore, a precedence was set and that it was applied to Steve Stream.

Secondly, Mr. Stream pointed out that four years ago, sergeants as a result of the Garcia interpretation, received approximately a \$100 per month increase in their salary for extra hours worked rather than the accumulation of comp time. He noted that they are now required to lose that \$100 and asked the Commission that this not be done. He noted that sergeants then would be making less than some of the deputies. He pointed out that the total cost to the County to leave this in would be \$6,000 annually. County Attorney, Scott Johansen reviewed with the Commission how the FLSA applied at the Garcia time and the interpretations by the Department of Labor. This was later changed and resulted in the law suit with Max Thomas and further clarification and interpretation by the Utah Local Governments Trust. He noted that the Trust has recommended that the County rescind the one-step pay increase and that they receive appropriate compensation for comp time. Mr. Johansen further indicated that all the effected deputies in the Sheriff's Department have been paid for all outstanding comp time, including Mr. Stream. This was with the understanding that Mr. Stream has agreed to settle with the County. He noted that the step increase given originally was to pay them for any hours which they might work at that time and since they are now being compensated for that additional time, this was the reason for rescinding the step increase previously applied.

Mr. Johansen further advised the Commission that possibly considered here is a separate issue from the FLSA, but that it appears that it is a pay iniquity and

Steve Stream, cont. . . .

that the Commission may have to consider it as a separate issue. Sergeant Stream indicated that his purpose in being before the Commission today is that it only exists as a pay iniquity and that the salaried amount between the sergeants and deputies is not sufficient and that consideration needs to be given to them. Further clarification was made in regards to the 80 hours of comp time accumulation. Sergeant Stream indicated that deputies have been allowed to accumulate 80 hours, wherein anything over 80 hours they would be paid for, whereas sergeants have been kept at approximately 0 hours in the bank. Sergeant Stream indicated that as to his claim against the County that the paperwork is done and that it would be resolved soon.

The third item effecting all the deputies, Sergeant Stream pointed out that a few years ago, deputies had to give up their holidays in order to get a raise. His request of the Commission is that they now get the holidays off and that it doesn't cost the County money. Commissioner Clyde Thompson together with Sheriff Lamar Guymon pointed out that at that time deputies were paid for those twelve days as extra pay.

Commissioner Mark Justice noted that items two and three which Mr. Stream has mentioned applied to others other than the Sheriff's office and therefore, he would request to get further input and an overall effect on other departments. He would further like input as to any legal ramifications. He inquired of Sergeant Stream if he would take compensation in any other manner than money, such as time off. Mr. Stream responded in that he would although his priority would be for the dollar compensation. He would further be willing to forfeit sick leave.

Whereupon, motion was made by Commissioner Mark Justice to table these matters brought to the attention by Mr. Stream for further consideration. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(14) DEPARTMENT OF HUMAN SERVICES - LARRY HEATON - MCCORD MARSHALL - INTRODUCTION TO THE COMMISSION

Mr. Larry Heaton, Director of the Emery County Department of Human Services came before the Commission together with Mr. McCord Marshall. Mr. Heaton introduced Mr. Marshall to the Commission. Mr. Marshall is the Regional Director of Human Services. Wherein he discussed briefly the changes made within their office. Mr. Marshall expressed appreciation for the Commission's cooperation with their office and inquired if there were any questions.

The Commission having none, expressed appreciation to the services rendered by Mr. Heaton and the Office of Social Services to the residents of Emery County.

(15) EMT'S - COUNTY EMPLOYEE CONSIDERATION - WITHHOLDINGS

Commissioner Mark Justice moved to change the status of the County EMT's from contractors to employees with the County's responsibility to make the necessary withholdings. Auditor, Karen Truman commented in that making them employees it would place them on the State Retirement if they work 20 hours or more and that the budget would have to be opened in order to provide FICA and retirement benefits. She further requested that the Commission set a maximum number of EMT's for payroll purposes, noting that in the past they have had as high as 100, while only 40 were active. Mrs. Truman, together with Sheriff Guymon indicated that presently there are about 60 EMTs with possibly 1/3 of them working over 20 hours per week. They further raised concerns of these getting benefits and others not.

County Attorney, Scott Johansen indicated that this may, because of the number of employees in the County, mandate that the County to operate under the State Personnel Act. Commissioner Mark Justice pointed out that he felt that EMT's are employees and should be treated as such even though it could create problems with the Personnel Policy. He asked the Commission at this time to make that decision. Commissioner Clyde

Thompson indicated that he would like more time to study the matter and to consider the ramifications and the effect on others.

Whereupon, motion was seconded by Commission Chairman Dixie Thompson. Motion passed, with Commissioner Clyde Thompson abstaining. The Commission further directed Auditor, Karen Truman to make this effective February 15, 1991, in providing the benefits and withholdings as discussed and any adjustments would be considered in the next Commission meeting.

#### (16) COUNTY EMPLOYEE WAGE INCREASE

Commissioner Mark Justice pointed out that the Commission was meeting to discuss a percentage increase in County employee wages rather than a flat amount. However, he would at this time like to table the matter until the next Commission meeting until he has a chance to review this with the Department Heads.

Commissioner Mark Justice further asked clarification of Commissioner Thompson as to the Commission Chairman receiving a 10% wage increase in October 1989 and whether it was because of extra responsibilities or whether it was because of Commissioner Thompson not having available the use of a vehicle. Commissioner Thompson indicated that it was because of extra time and responsibilities of the Commission Chairman. Whereupon, motion was made by Commissioner Mark Justice to equalize the salaries of the three Commissioners in that they all be paid the same. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

#### County Employee Wage Increase, cont. . . .

At this point, County Attorney, Scott Johansen addressed the Commission in that because two Commissioners would be receiving an increase, although one would be reduced and the total dollar amount would remain the same, that it would still require a public hearing be noticed up and consideration be given at the next Commission meeting immediately following the statutory requirements for meeting notification. Commissioner Mark Justice directed the County Attorney's office to proceed with proper notification and that this matter be handled at the next appropriate Commission meeting. He further felt that the concerns expressed in regards to the EMT situation could be handled.

#### (17) EMERY COUNTY NURSING HOME - TODD WINDER - INTRODUCTION OF DOUG CHRISTENSEN

Mr. Todd Winder, Administrator at the Emery County Nursing Home, introduced to the Commission Mr. Doug Christensen who is the Regional Director at Heritage who manages the Emery County Nursing Home. Mr. Christensen addressed the Commission in that his purpose in coming before the Commission is to get acquainted with them and address any questions they have in regards to the nursing home and whether the

Commission had any recommendations or observations into the operation of the nursing home.

Commissioner Mark Justice indicated that he felt the facility is important to Emery County and that he has visited and wants to maintain it at a high standard. Commissioner Clyde Thompson indicated that the nursing home has been operated very well, it has been fixed up and he appreciates the efforts of those responsible.

Also discussed with the Commission was the upcoming meeting and also the previously signed loan. Mr. Winder indicated that the Board has now signed an extension and that it is included in the appropriations this year and also that monies have been applied to that note.

#### (18) PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Green River Justice Court Clerk - Presented was the Personnel Requisition Form for a Justice Court Clerk in Green River, noting that this was previously approved on December 5, 1990. However she has now asked Job Service to go to the Green River area and after proper posting in Green River they receive applications. She indicated that the position needs to be filled by February 1, 1991. Whereupon, motion was made by Commissioner Clyde Thompson to approve the Personnel Requisition Form for a Justice Court Clerk in Green River as presented and to begin the recruitment process. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Personnel Items, cont. . . .

B) Computer Programmer and Purchasing Agent Positions - Commissioner Mark Justice made a motion to table the discussion on the position of Computer Programmer and Purchasing Agent positions. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

#### (19) CONSIDERATION OF UP&L BOND REFUNDING REQUEST

The Commission at this time recognizing no one present from UP&L asked County Attorney, Scott Johansen to review those items which he was looking into in regards to the assessment of fees and expenses as it relates to the Bond refunding issue and any pending tax protest issues UP&L has effecting Emery County.

County Attorney, Scott Johansen noted that he has received from Chapman and Cutler notification that along with the assessing of the maximum fee that the

County could also recover expenses to include legal counsel. He further pointed out that in regards to the UP&L tax protest issue for 1989 and 1990, that UP&L had indicated that it consisted of just the 20% roll back and that was all. However, Mr. Johansen indicated that there were also five valuation issues in addition to the twenty percent and explained the ramifications of all taxing entities within the County. Also needing to be considered was the action that might be taken by the Utah State Legislature into the 20% roll back in what Utah Power and Light might drop as a result.

Commission Chairman Dixie Thompson reported on her conversations with the UP&L representative. She concurred that expenses would be allowed and that Emery County would possibly be entitled to the same arrangements as being worked out with Lincoln County, Wyoming. She inquired of Mr. Johansen if he would be willing to act as legal counsel for the County. Mr. Johansen responded in that he is waiting for a response from another firm establishing those costs to handle such a transaction, noting that he would provide options at a later time to the Commission for their consideration in this matter.

Commissioner Mark Justice asked that the Commission wait and see what the legislature does. He emphasized that they do want to cooperate with Utah Power and Light in the bond refinancing issue, but that this matter does involve a lot that needs to be considered. This was the consensus of the Commission at this time.

County Attorney, Scott Johansen in responding to questions in regards to the funds set aside in the tax stability and trust fund pointed out that there is approximately \$8 million in that fund. Auditor, Karen Truman indicated that there is a \$10 million ceiling because of Emery County's valuation of \$1.5 billion and noted that these monies cannot be spent without election of the people. However, the interest from that could be used to make up any short falls as a result of the action of UP&L.

UP&L Bond Refunding, cont. . . .

Whereupon, motion was made by Commissioner Mark Justice that the Commission enter into no further discussion on this matter until the legislature has concluded unless UP&L comes forward and agrees to settle the issues as they pertain to Emery County. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(20) MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:13 p.m. was made by Commissioner Clyde Thompson, seconded by Commissioner Mark Justice and approved by all members present.

ComMin2-6-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

February 6, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:04 p.m. who welcomed all present.

The invocation was given by Clerk, Bruce Funk.

A review of the agenda was made.

(1) COUNTY PATRIOTISM FOR THOSE SERVING IN THE MIDDLE EAST  
CONFLICT

Commission Chairman Dixie Thompson recognized the great deal of patriotism by the residents of Emery County in support of those serving in the Armed Forces. She further inquired if there was not more that the County could do for those serving to lighten their burden as well as to the family and friends left behind. It was her hope that others would come forth with suggestions.

(2) COMMISSIONERS MINUTES

The minutes of the January 16, 1991, Commission meeting were presented. Motion was made by Commissioner Clyde Thompson, to approve the minutes as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(3) CORRECTION TO THE JANUARY 2, 1991, COMMISSION MINUTES

Emery County Attorney, Scott Johansen advised the Commission that in regards to the Commission minutes of January 2, 1991, item #11, on page 4, that he erred in submitting the name of Paul Crawford to be reappointed to the Emery Water Conservancy District. He should have submitted the name of Clyde Conover who is the present incumbent and it was the intent of the board to reappoint Clyde Conover. Mr. Johansen suggested that it being an oversight, that the Commission consider a motion to appoint Clyde Conover to continue on the Board of the Emery Water Conservancy District and to correct the



minutes of January 2, 1991, to reflect the same. Whereupon, motion was made by Commissioner Mark Justice to recognize the intent of the Emery Water Conservancy Board and approve the reappointment of Clyde Conover to serve on the same and to correct the minutes of 1-2-91 to also show the same. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

#### (4) SCOTT JOHANSEN - APPOINTMENT TO NACO POSITION

County Attorney, Scott Johansen advised the Commission that the Utah Association of Counties has offered him a position on NACO which he has accepted. He further advised the Commission that his expenses are fully funded by UAC. However, he indicated there are two issues that the Commission needs to consider. The first being that the County travel policy requires permission from the Commission in order to travel outside the State of Utah and he therefore anticipates approximately four such trips. The second to be considered by the Commission are the expenses of his partner which is not paid by UAC. Commissioner Thompson pointed out that in the past it has been the policy of the County to do this.

Commission Chairman Dixie Thompson congratulated Mr. Johansen on his appointment, noting that such an appointment would be of benefit to the County and himself. However, she declined action by the Commission at this time until the travel rules and regulations which are on the agenda for this meeting were further discussed. (After discussion of the Emery County Travel Rules and Regulations, motion was made by Commission Chairman Dixie Thompson to approve the out of state travel and also expenses for Mr. Johansen's partner while fulfilling his responsibilities on the NACO appointment. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.)

#### (5) EMERY COUNTY TRAVEL RULES AND REGULATIONS

Commission Chairman Dixie Thompson indicated that she has been going over the travel rules and regulations which were adopted by the Commission in 1984. She felt that there were two areas that needed to be updated. The first being in Section 10, item C wherein reimbursement is made upon completion of travel forms. She further noted that this would possibly present a hardship on individuals while waiting for reimbursement. Her second concern in the travel policy is that because of inflation lodging, travel and meal rates as further clarified in the travel rules and regulations, dated November 7, 1984, needed to be revised.

It was her recommendation that lodging be increased from \$35.00 instate to \$45.00 per night and that out of state be increased to \$65.00 per night. That the meals be increased from \$22.00 per day to \$26.00 per day instate and that out of state be \$34.00 per day. Further, that mileage reimbursement be

increased to the IRS rate of \$.26 per mile.

It was further her recommendation that individuals who will be traveling turn in the number of days, expected travel, lodging and meals in advance for payment to them prior to the travel. Therein no receipts would be required

Travel Policy, cont. . . .

provided the individual stayed within the approved rates. She pointed out that Section F of the Personnel Policy allows the Commission to adopt travel rules to further regulate travel expenses as it deems necessary.

Emery County Sheriff, Lamar Guymon at this time inquired of the Commission as to the continued use of the Visa cards. Commissioner Mark Justice responded in what they were suggesting was a dual system and that ongoing expenses be handled in the same manner as they are now done. It is not the intent to limit what has to be done, nor is it to restrict the movement of anyone at all, but only in that when meetings and itineraries are known far enough in advance that advance reimbursement be made.

Assessor, James Fauver inquired whether this effected Career Service employees only or elected officials as well. He pointed out that there are times when there are unforeseen costs which are incurred, the credit card is an advantage. Auditor, Karen Truman indicated that the County does have a credit card policy. Sheriff, Lamar Guymon indicated that under the new proposal that it would result in additional costs to his department and in turn the County.

Commissioner Mark Justice at this time indicated that the goal should be a consensus and that the merits of the proposal as Mr. Fauver suggested might be further addressed in elected officials meeting and come back for further action.

Commission Chairman Dixie Thompson suggested that the Commission proceed with the proposal due to inflation and increase the mileage reimbursement for use of private vehicles to \$.26 per mile and lodging and meals also at the increased State rate, thus taking away a blanket check. She again emphasized her concern about the burden on individuals because of cash flow having to wait for reimbursement.

Commissioner Mark Justice recommended that any mileage reimbursement automatically be set at the same rate as the IRS, but not to exceed that rate. Commission Chairman Dixie Thompson at this time addressed County Attorney, Scott Johansen's prior request for reimbursement for spouse expense, indicating that in checking with other Counties, the State, private industry the policy being that no reimbursement is made for spouses. It was her feeling at this time that County policy should be the same. Further discussed by those in attendance was how this would effect registration for spouses. Concern was expressed as to the possibility that elected officials would not attend those beneficial

meetings if they had to pay all expenses for their spouse. The emphasis by Commissioner Justice was that elected officials need to be involved and hope that costs do not get excessive.

Whereupon, after further discussion, motion was made by Commission Chairman Dixie Thompson to approve the increased mileage reimbursement to the IRS rate of \$.26 per mile and that the instate lodging be increased to \$45.00 per night

Travel Policy, cont. . . .

and out of state at \$65.00 per night and meals being increased to \$26.00 per day instate and \$34.00 per day out of state. This is in an effort to keep up with inflation. Whereupon, motion was seconded by Commissioner Mark Justice and approved by all members present.

The Commission again at this time discussed County Attorney, Scott Johansen's request for spouse reimbursement at his NACO meetings. Commission Chairman Dixie Thompson, expressing appreciation for the comments, moved to approve the out of state travel and expenses for the spouse of Mr. Johansen in attending the NACO meetings. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Mr. Frank Hall who was also in attendance recognized Mr. Johansen in that it is a special honor to the County that Mr. Johansen be on the NACO and suggested that the Commission cover those expenses in allowing him to represent the County.

County Attorney, Scott Johansen was directed by Commission Chairman Dixie Thompson to draft the necessary paperwork to provide for the intent of the Commission.

#### (6) PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel matters for Commission consideration.

A) Personnel Requisition Form - Temporary Help - Road Department - This is to fill the position presently held by Randy Menser who is on leave from the County and recuperating from surgery. The position is for an Operator II at a Grade 11, Step 1 or an hourly rate of \$10.27. It was pointed out that the applicant being considered has previously worked for construction companies in the past.

B) Wayne Maxfield - Temporary Hire - Road Department - Presented was the Personnel Action Form for Wayne Maxfield of Castle Dale to fill the temporary position in the Road Department created by Randy Menser with the salary to be commensurate with a Grade 11, Step 1 or \$10.27 per hour. Effective date is February 4, 1991.

C) Darrel Mecham - Sheriff's Office - Resignation - Presented was the Personnel Action Form for Darrel Mecham who has resigned as a Patrol Deputy in the Sheriff's Department. Effective date is January 15, 1991.

Personnel Items, cont. . . .

D) Leona J. Weihing - Assistant Green River Justice Court Clerk - Presented was the Personnel Action Form for Leona J. Weihing for the position of Assistant Green River Justice Court Clerk at a Grade 5, Step 1 or a salary of \$1,304 per month. This position was available as a result of the appointment of Betty Burns as the Green River Justice Court Judge. Effective date is February 4, 1991.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the above-mentioned Personnel Action Forms and Requisitions as presented. Motion was seconded by Commission Chairman Dixie Thompson. Motion passed with Commissioner Mark Justice abstaining.

#### (7) EMERY COUNTY PERSONNEL CLASSIFICATION AND PAY STUDY

Personnel Director, Pat Snowball reviewed with the Commission that since the adoption of the Personnel Policy for Emery County in December 1982, barely half of the job descriptions have received updating. She therefore presented to the Commission for their consideration a proposed classification and pay study. This would be conducted by Mr. Mike Swallow, of Personnel Systems and Services of Salt Lake, who for a cost of \$7,150 would complete the classification and pay study as outlined in the work plan. This is based on 100 job descriptions with the job to be completed in as little as three to four months. After which recommendations would be brought back to the Commission for further consideration.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the classification and pay study as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

#### (8) EMERY COUNTY EMPLOYEE HEALTH SYSTEM

Personnel Director, Pat Snowball presented to the Commission four enhancements to the present County health program: 1) prescription card; 2) addition of the pre-existing condition; 3) preventative health program wherein annual physical examinations would be covered; and 4) 100% supplemental accident. Mrs. Snowball informed the Commission that there were a couple of ways in which the prescription card could work. The card company would work either on a fee of \$1.15 per prescription per employee or a percentage of the prescription. She felt that the percentage

was best and recommended a 20% across the board, further noting that no deductible would be required prior to using the cards. She indicated it would take about two weeks in order to initiate the program.

County Health Program, cont. . . .

Commissioner Mark Justice inquired as to how these would effect the financial stability of the insurance fund. Auditor, Karen Truman pointed out that she was comfortable in having a \$300,000 cushion. Presently the fund is at \$270,000 and questioned how these additions would effect the build-up of the fund.

Mrs. Snowball indicated that these could be done with no increase in the premiums to the fund and that impact should not be significant. The Commission recognized that benefits under the Emery County program in the past are not equal to private industry. Further discussed was whether to stay at the present until the reserve builds to the suggested amount. Further discussed was the pre-existing condition.

After further discussion, motion was made by Commissioner Mark Justice to adopt all four of the proposed enhancements to the Emery County Health policy and to set the pre-existing conditions to a 3,3,6. Motion was seconded by Commissioner Clyde Thompson and approved by all members present. It was further agreed by all present to make the additions effective March 1, 1991.

(9) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #910163 through and including #910415 for payment including a Warrant for Kent Stilson for damages as a result of Emery County cancelling the construction contract on the Cleveland Library. It was noted that such action on behalf of the Commission was not Mr. Stilson's fault, but was due to proper public notice not being given of the construction project. Whereupon, motion was made by Commissioner Mark Justice to approve for payment the Warrant/Check Edit List as presented. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

Req. #	Item and Description	Amount	Action
2	Equipment & supplies to renovate Tub Room, Resident Bathrooms, and Janitor Closet - Nursing Home	4,460.00	Approved
3	Resident weight scale - Nursing Home	2,089.00	Approved

4 Payment to clear outstanding  
line of credit - Nursing Home 43,889.06 Approved

5 Folio Views - Circuit Court 195.00 Approved

Requisitions, cont. . . .

6 Two traffic counters & hardware -  
Road 554.50 Approved

7 Facility Vehicle - Nursing Home 15,900.00 Approved

8 Drill Motor - Road 158.25 Approved

9 Washer & Dryer - Sheriff Approved

10 Olympic weight set - Sheriff 150.00 Approved

11 Television set - Sheriff Approved

11-A Stove - Sheriff Approved

12 Refrigerator - Sheriff Approved

Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Dixie Thompson to approve all requisitions for purchase. Motion was approved by all members present.

(10) EMERY COUNTY NURSING HOME - VAN PURCHASE

Mr. Todd Winder, Administrator of the Emery County Nursing Home, together with Frank Hall, Nursing Home Board Member, addressed the Commission to discuss the purchase of a van to be equipped with a ramp for the handicapped. He noted that they would like to proceed with purchase of the van as well as renovations to the tub and bathrooms and custodial closet and that monies have been included in the budget. Mr. Hall expressed concern and need for the vehicle.

Discussed was the purchase of a 1990 Ford at the price of \$13,900 which lists for \$18,000 with the balance of the factory warranty. However, Commissioner Mark Justice noted that there was a local bid for a comparable van at approximately \$1,100 less. It was his recommendation that if they are comparable, that he preferred the local bid. Commissioner Mark Justice advised that he would meet further with Mr. Winder in determining which vehicle should be purchased. This was the consensus of the Commission, therefore, they signed the requisitions to be included with the requisitions previously

approved today.

#### (11) CENTRAL PURCHASING - BID PURCHASES

Auditor, Karen Truman advised the Commission that she has received bids for paper from Office Equipment, Rebel Enterprise and Central Stores, noting that there is as little as \$128 difference in Office Equipment Company and Central

Central Purchasing, cont. . . .

Stores for paper goods. It was her request that she be authorized to proceed with the purchase of paper from Office Equipment, noting that they would deliver the materials to Castle Dale. Whereupon, motion was made by Commissioner Clyde Thompson to approve the purchase of the paper from Office Equipment as recommended by Auditor, Karen Truman. Motion was seconded by Commissioner Mark Justice and approved by all members present.

#### (12) SHERIFF'S BUSINESS

Sheriff, Lamar Guymon informed the Commission that previously \$71,000 had been set aside to build the holding cells and detention facilities in Green River. Approximately \$65,000 of that has been used. His request was to carry over the remaining \$6,000 to purchase the remaining items and to pay the outstanding bills at this time. Auditor, Karen Truman noted that those monies were set aside in the unappropriated fund balance.

Whereupon, motion was made by Commissioner Mark Justice to approve the requisitions as presented by Sheriff Guymon in completing the renovation of the Green River facility. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present. These requisitions were included with those previously presented and the same were signed by the Commission.

#### (13) MASTER EMERGENCY DISASTER PLAN

Sheriff, Lamar Guymon presented to the Commission for their review and consideration an Emery County Master Emergency Disaster Plan. The Commission requested they be allowed enough time to review the plan and would further discuss it at the Commission meeting to be held on March 6, 1991.

#### (14) STEVE STREAM REQUEST - REIMBURSEMENT FOR BENEFITS

Motion was made by Commissioner Mark Justice to reimburse Steve Stream for loss of wages and benefits incurred during his required leave of absence in the Fall of 1990. Commissioner Justice, recognizing no second, therefore, made a motion to reimburse Steve Stream for medical benefits paid by Mr. Stream during that period of time. Motion

was seconded by Commission Chairman Dixie Thompson and approved by all members present.

Assessor, James Fauver inquired if the Commission would consider reimbursing him when he was required to take a leave of absence in the Fall of 1986 when he ran for County Assessor. The Commission asked that he submit a claim for medical benefits and the Commission would give them consideration.

(15)

#### CAMCORDER FOR COUNTY USE

Commission Chairman Dixie Thompson informed the Commission that the intent to purchase a camcorder for the County was to keep the Commission out of hot water. However, after review of other Counties, she would no longer pursue this matter. Further discussed was the recording of the Commission minutes was simply a tool for the Clerk. The Commission recommended that those tapes be discarded after the minutes have been approved.

#### (16) EMERY COUNTY EMT'S - FURTHER REVIEW

After further discussion and review of the action taken previously in regards to the Emery County EMT's, Commissioner Mark Justice indicated that any consideration and implementation was to take effect only after all are in agreement. Therefore, he suggested that a hold be placed on this item, noting that the intent was to make EMT's County employees in that only Social Security benefits would be withheld. Upon advise of counsel, Commissioner Mark Justice made a motion that the action of the Commission on January 16, 1991, be put on hold for further consideration at a later time. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

Sheriff, Lamar Guymon asked for clarification and intent of the Commission as to the EMT's. It was clarified that they are only looking at withholding Social Security benefits until other considerations can be resolved.

#### (17) ECONOMIC DEVELOPMENT

A) Director Report - Economic Development Director, Bryant Anderson advised the Commission in regards to the following items:

- 1) They have now created a Castle Country Film Commission. It has started up and is comprised of Carbon and Emery County and is a part of the Moab Commission. They would like \$1,000, noting that they are receiving \$3,000 to \$4,000 from Carbon County and they would like to do this annually for the next three to four years and see of what economic



benefit would develop within the County.

- 2) A mountain bicycle tour. Mr. Anderson informed the Commission that the Forest Service, Division of Wildlife Resources and the Wild Bunch bicycle group has put together a mountain bike ride which would start at Joe's Valley and end in Joe's Valley. They have requested support and contributions. \$500 would put a logo on a t-shirt and other contributions were for \$250 and \$120.
- 3) Ferron Golf Course PGA tournament book advertisement. Mr. Anderson further discussed with the Commission the cost of a one-half page ad in

Economic Development, cont. . . .

the tournament book amounting to \$250. He discussed advertising the Pageant and/or the golf course. He further noted that Ferron City has agreed to pay one-half of the cost and his purpose was to ask the Commission for the balance.

He noted that funds for all three projects are in his budget. Whereupon, motion was made by Commissioner Mark Justice to accept all three proposals, thereby spending \$1,000 towards the film commission, \$500 on the mountain bicycle tour and \$125 for the millsite golf course advertisement in the PGA Golf Tournament book. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

B) Economic Development Logo - Mr. Anderson suggested to the Commission that they possibly look at another logo for Economic that is simple and presents a greater name recognition. No action was taken by the Commission.

#### (18) RISK MANAGEMENT SEMINAR

County Attorney, Scott Johansen advised the Commission that he has received a brochure on a Risk Management Seminar for one day on March 14, 1991. He would like to send Mary Gomez out of his office. Whereupon, the Commission gave approval. Commissioner Mark Justice indicated that he too would like to attend and encouraged others within the County to also be in attendance.

#### (19) SHERIFF'S DEPARTMENT - DISPOSAL OF FIXED ASSET

Sheriff, Lamar Guymon inquired of the Commission if he could dispose of a 1989 Chevy Van which was left over from the auction held last year to trade in on the purchase of a new Suburban. The disposition form was previously approved by the Commission last year. It was the consensus of the Commission that he could proceed as requested.

#### (20) ASSESSOR'S BUSINESS

Assessor, James Fauver discussed and reviewed the AMAX case and its impact upon the residents of Emery County.

(21) MEETING ADJOURNMENT

Motion to adjourn the meeting at 9:01 p.m. was made by Commissioner Mark Justice, seconded by Commissioner Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin2-20-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

February 20, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:00 a.m.

The invocation was given by Commissioner Clyde Thompson.

A review of the agenda was made.

(1) COMMISSIONERS MINUTES

The minutes of the February 6, 1991, Commission meeting were presented. Motion was made by Commissioner Mark Justice to approve the minutes as presented. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(2) COMMISSION SALARIES - EQUALIZATION - PUBLIC HEARING

Commissioner Mark Justice moved that the three Commissioners be paid at the same or equal rate. He noted that this is not an increase in the total combined Commission salaries, but as proposed the Commission Chairman would

receive a decrease and the other two would receive increases. Present at this time were Eric Anderson, Maughan Guymon, Sue Jones, Lamar Guymon, Karen Truman, JoAnn Behling, Leslie Bolinder, Castle Dale Mayor Gary Cox, Stan Truman and Jim Fauver. Commission Chairman Dixie Thompson opened the meeting for public comment.

Maughan Guymon asked why this had been the policy in the past. Commissioner Mark Justice noted that this was only a recent policy. Commission Chairman Dixie Thompson at this time indicated that she would like to see equality in all aspects and she was not opposed to the decrease in her salary. She indicated that she felt the chairmanship was an honor. It was further pointed out that the chairmanship in the past has had a heavier responsibility. However, Commissioner Justice pointed out that he felt that if each of the Commissioners were carrying out their responsibilities, that their workload would be equal.

Whereupon, after no further comments, motion was seconded by Commissioner Clyde Thompson and approved by all members present.

### (3) CASTLE DALE SENIOR CITIZEN BUILDING - HANDICAPPED ACCESS

Suzanne Jones came before the Commission seeking permission to remove the dip in the sidewalk in front of the Castle Dale Senior Citizen building provided for the handicapped. She noted that black top has now been installed and there has been made a handicapped unloading zone. She further pointed out that the dip is deep and during the winter it fills with ice. Many elderly people have lost their balance as a result of it.

Castle Dale Mayor Gary Cox pointed out to the Commission that it is the same type handicapped accessibility through the curb as used in other parts of the town. Discussed was the possibility of whether the driveway could be used for handicapped accessibility onto the sidewalk. It was determined that use of the driveway was not acceptable under the Federal guidelines.

Mr. Maughan Guymon advised that Active Re-entry of Price, have been solicited for specifications and literature in regards to handicapped accessibility. Auditor, Karen Truman advised those present that she has the federal guidelines available in her office. Commissioner Mark Justice suggested that improvements be made that fit within the regulations and meet the needs of the handicapped.

Whereupon, motion was made by Commissioner Mark Justice to do what can be done to take care of the problem in providing for the convenience and safety of all senior citizens as long as it does not violate access for the handicapped and meets their needs. As such, the Commission give permission to proceed. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

#### (4) COUNTY JUSTICE COURT JUDGE - HANDLING CITY ORDINANCE VIOLATIONS

Castle Dale Mayor Gary Cox informed the Commission that he has discussed with Emery County Justice Court Judge Stan Truman the possibility of Mr. Truman handling Castle Dale dog violations through his court. He noted that Var Lynn Peacock who previously handled these has retired. Commissioner Clyde Thompson noted that this would possibly have to be done through a contract between Castle Dale City and Emery County and inquired as to what the percentage of the fines are to be negotiated.

County Attorney, Scott Johansen confirmed that the City can contract to use the County Justice Court. He further recommended that Justice Court Judge Stan Truman not be part of those negotiations. The Commission inquired of Mr. Cox if he had a proposal. Mr. Cox responded in that whatever the Commission felt they needed, the city would be willing to do as far as possible. He noted that past collections on animal violations have paid for both the Justice Court costs as well as the Animal Control Officer. Mr. Truman proposed that he meet with Mayor Cox and look over the case load and come up with a possible recommendation.

Justice Court Judge/City Ordinance Violations, cont. . . .

Whereupon, motion was made by Commissioner Mark Justice to table the matter until next Commission meeting recommending that Mayor Cox come back to the Commission with a proposal for consideration at that time. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

#### (5) AGNES LARSEN - DUST PROBLEM

Agnes Larsen came before the Emery County Commission and addressed the problem of dust at her residence on the road from the South Flat being used by Gypsum Resource Development in hauling gypsum to Huntington along Highway 155. She indicated that three years ago a dust guard was applied which was very effective.

Road Superintendent Rex Funk responded at this time, noting that Gypsum Resource Development was under contract to keep the dust under control and he could advise them to put mag chloride on if the present watering is not meeting the dust control needs. Mr. Funk further advised that he will work with Mrs. Larsen and Gypsum Resource Development and see that the problem is resolved. He further noted that possibly some of the dust is from Gypsum shaking loose and adding to the dust already on the road.

#### (6) STEVE STREAM - SICK AND VACATION TIME REIMBURSEMENT - LEAVE OF ABSENCE

Commissioner Mark Justice advised the Commission that in keeping in the spirit of the action taken by the Commission two weeks ago, motion was made to reimburse Steve Stream for the loss of one sick day and one vacation day which normally would have been accumulated during his leave of absence.

Personnel Director, Pat Snowball read from the Personnel Policy and a discussion ensued as to whether the sick and vacation days are part of the benefit package. She further noted that in Mr. Stream's case that treatment was based on a precedence already set in regards to previous Commission action taken in relation to Jim Fauver who in 1986 while running for Emery County Assessor.

Commissioner Mark Justice emphasized that action taken by the Commission in the past he felt was for political reasons, that the rule was incorrect and that the public was not best served. He recognized his effort as a political decision in order to rectify those things from the past and that it should not be the purpose of the Commission to protect the incumbents from viable opponents within the County

Commission Chairman Dixie Thompson noted that we cannot change the past, but the Commission can change the future. County Attorney, Scott Johansen did not feel comfortable, noting that an employee who does not work, does not accumulate a sick or vacation day per month.

Steve Stream, reimbursement, cont. . . .

Commissioner Clyde Thompson noted that he was not in support of reimbursement for a sick and vacation day as proposed. Whereupon, the motion died for lack of a second.

#### (7) JIM FAUVER - CONSIDERATION OF REIMBURSEMENT OF SALARY BENEFITS AND SCHOOLING DURING LEAVE OF ABSENCE

Assessor, James Fauver presented to the Commission a request for reimbursement of expenses that he incurred during 1986 when he was forced to take a leave of absence while running for the position of Emery County Assessor. Mr. Fauver emphasized that his conditions for running for an elected office was somewhat different than Mr. Steve Stream. He noted that the present incumbent Assessor Gerald Stanton was not running for the office, in fact was encouraging him to run for the position. He noted that Mr. Stanton had signed him up for the schooling and that the Commission in the past has paid for such certification schooling. He noted that he realized that a precedence has been set on the wages, vacation and sick leave, but would like reimbursement on the other items. He emphasized to the Commission that he was an employee at that time.

County Attorney, Scott Johansen noted that the County did not make the certification a requirement as an employee.

Commission Chairman Dixie Thompson noted that she felt good about the medical benefits, but had questions in regards to the school costs. Commissioner Mark Justice inquired as to the County practice in regards to schooling in the past. Commissioner Clyde Thompson noted that he is not in favor of reimbursement for the school costs.

Whereupon, after discussion motion was made by Commissioner Mark Justice to reimburse Mr. Fauver for the medical insurance and that the schooling be tabled and reconsidered at the next Commission meeting. Motion was seconded by Commission Chairman Dixie Thompson with Commissioner Clyde Thompson abstaining. Motion passed.

(8) RESOLUTION 2-20-91A - AMENDING THE PERSONNEL POLICY - TRAVEL POLICY  
RESOLUTION 2-20-91B - AMENDING THE TRAVEL RULES AND REGULATIONS FOR EMERY COUNTY

County Attorney, Scott Johansen presented to the Commission for their consideration Resolution 2-20-91A. Wherein the Resolution amends the Emery County Personnel Policy removing the Travel Rules and Regulations from the policy and providing that section X, Reimbursement for Travel Expense read as follows:

Resolution 2-20-91A & B, cont. . . .

"The procedures governing the reimbursement for travel expenses are fully embodied in the Travel Rules and Regulations issued by the Emery County Board of Commissioners on the 7th day of November, 1984, and amended thereafter. Reference shall be made to these rules and regulations with any questions regarding reimbursement for travel expense."

Mr. Johansen presented to the Commission Resolution 2-20-91B which amends the Travel Rules and Regulations for Emery County. In regards to lodging, the County will reimburse actual costs not to exceed \$65 per night for out-of-state travel and \$45 in all areas of the State except Salt Lake City where the allowance would not exceed \$50 per night. As to reimbursement for meals, reimbursement for a 24-hour period of travel is \$35 per person for out-of-state travel and \$26 for in-state travel with a maximum of 15% tip allowance. Further given was the break-down in allowances for a proportionate part of the day travel. As to transportation costs, they were described that reimbursement for personal car use shall be at the maximum allowable rate allowed by the Internal Revenue Service. In addition, it allows Commission authorization to depart from the Travel Rules and Regulations on a case by case basis. The provisions of this Resolution become effective upon passage.

Whereupon, motion was made by Commissioner Clyde Thompson to adopt Resolution 2-20-91A and 2-20-91B as presented. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(9) RESOLUTION 2-20-91C - SUPPORT OF SOUTHEASTERN UTAH ECONOMIC DEVELOPMENT DISTRICT ACTIVITIES

Presented to the Commission was Resolution 2-20-91C wherein Emery County will continue its support of the economic development activities of the Southeastern Utah Economic Development District during the fiscal year 1991. Whereupon, motion was made by Commissioner Clyde Thompson to adopt Resolution 2-20-91C as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(10) EMT WITHHOLDINGS

Commissioner Mark Justice made a motion at this time to recognize County EMT's as volunteer contractors and to correct the motion in the January 16, 1991, Commission meeting and the motion discussed in the February 6, 1991, Commission meeting. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Commissioner Mark Justice noted that he originally felt this would be a simple issue, but it has turned out to be much more complex after discussion with others involved. His intent was to provide Social Security benefits, however, this would require possible restructuring of the entire system.

(11) 3% COUNTY WAGE INCREASE

Commissioner Mark Justice pointed out that he has received a considerable amount of input in regards to the County wage increase. He made a motion that the County rotate each year by giving a percentage annual increase one year and a flat increase the next. Further, that the County take the amount of money provided for the 3% increase which the employees and elected officials are presently receiving and redivide that into a flat amount this year, with the Sheriff's department employees benefiting equally. Motion was seconded by Commissioner Clyde Thompson.

Personnel Director Pat Snowball advised the Commission at this time that last year a flat increase had been given and recommended that the Commission stay with the present percentage increase. In her review, it is a more fair means rather than maintaining either a percentage or a flat increase each year. She further noted that since the County is already into a percentage increase, any change would be a negative mode and suggested that next year the Commission consider implementing the flat increase as it appears to be equitable at this point. She further noted that a job survey would further eliminate the disparity and those areas of concern.

Commissioner Mark Justice noted that he did not want to take away something

they have already received. He felt those on the lowest part of the pay scale needed to be benefited the most. The Commission was advised that last year all employees received a \$1,051 increase for the entire year. The Sheriff's office employees did not get a 3% annual increase this year, but instead took a retirement package that provides for early retirement which presently costs nearly double that of other employees.

Further discussed by the Commission was the possible use of money set aside for filling the position of Max Thomas in the Sheriff's office for a 3% wage increase in addition to the retirement benefit provided to the Sheriff's department employees. County Attorney, Scott Johansen informed the Commission that any adjustment in the Sheriff's salary would require a public hearing as well as any change or reduction in the present 3% for other elected officials. Therefore, Commissioner Mark Justice revised his motion to include that the 3% increase initially given to the elected officials and employees remain and that the Sheriff's department employees effective March 1 also receive a 3% salary adjustment and that a 3% increase in the Sheriff's salary be noticed up for public hearing. Whereupon, motion was seconded by Commissioner Clyde Thompson and approved by all members present.

#### (12) COUNTY LANDFILL - MANAGEMENT

Commission Chairman Dixie Thompson advised the Commission that she has received information from Mr. Barney that he can no longer operate the landfill at \$60,000 per year. She noted that it appeared that the County would have to take over the landfill until sufficient input can be received for further consideration. Commissioner Mark Justice requested that the Commission consider contacting all interested parties and private contractors to meet and create a bid package with the County having the option to turn down any or all bids if it is in the best interest of the County. Rejection of any bid would be based upon costs for the County Road Department to operate the same and also budget considerations.

Commission Chairman Dixie Thompson noted that she is in the process of coming up with figures and would like additional time. She suggested possible consideration be given in June. Commissioner Justice noted that it is critical to put together a bid package as suggested in order to determine what those costs would be.

It was further noted by those present that regulations are expected in June and it would be difficult to put together a bid package without knowing what those regulations would be. Road Superintendent Rex Funk noted that he felt it is an opportune time for the County to take over the landfill because of the need to dig additional pits. Mr. Barney has previously indicated to the County that he is running out of space to put garbage.

Commissioner Mark Justice again noted that the County could offer a contract as soon as April with the option providing for later revision depending on new regulations and that



those interested parties could be given the opportunity to bid based upon the present rules.

Whereupon, motion was made by Commission Chairman Dixie Thompson to wait until the County gets sufficient information and specifications and any other information pertinent to the landfill operation in preparation for bid packages. Motion was further made that effective March 1, 1991, the County Road Department would resume operation of the County landfill until such time as the Commission turns it over to private management. Motion was seconded by Commissioner Clyde Thompson with Commissioner Mark Justice voting nay. Whereupon, the motion passed.

#### (13) CLEVELAND LIBRARY CONTRACT

Commission Chairman Dixie Thompson advised those present that new bids have been received for construction of the Cleveland Library. She noted that Kent Stilson Construction was the apparent low bidder in the amount of \$82,634; with Hansens Construction the only other bidder in the amount of \$94,920. Where upon, motion was made by Commissioner Mark Justice to recognize Kent Stilson

Cleveland Library Contract, cont. . . .

Construction as the apparent low bidder and authorize the signing of the notice of award and authorize Commission Chairman Dixie Thompson to sign any additional paperwork in order to expedite the project. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

#### (14) PROCUREMENT POLICY

Deputy County Attorney, Patricia Geary reviewed with the Commission Ordinance 12-3-82C which is the County Regulations for acquisition, management and disposal of County property, together with Resolution 5-17-89C which amends said Ordinance. She noted that Resolution 5-17-89C recognizes the desire on the part of Emery County to promote the purchase of merchandise, equipment and supplies in as far as reasonably possible from local suppliers who pay taxes to Emery County. It was further noted that this does not address other types of contracts, such things as competitive sealed bids, competitive sealed proposals, sole sources for goods and services and emergency needs. It was further noted that architectural engineering and landscaping are excluded because of no defined time of the services. It was suggested that the Commission consider adopting a new procurement ordinance with local preference. She advised the Commission that she will continue her research and come back with recommendations to them.

#### (15) LIBRARY BOARD - RESPONSIBILITY FOR TRUST FUNDS

Commission Chairman Dixie Thompson informed the Commission that from her

meetings with the Library Board that they have requested responsibility for Library trust funds. She noted that it is apparent that there is a need for maintenance on the libraries and this has not been addressed in the past. The Board has no control over the finances. She asked that the Library Board be given that responsibility as allowed for under the Utah Code. Whereupon, Commission Chairman Dixie Thompson made a motion to give the Library Board control over their funds under the direction of the County Commission.

At this time, County Attorney, Scott Johansen addressed the Commission pointing out those funds the Library has. He explained the difference between the capital improvement fund, maintenance fund and trust fund, noting that the library prepares a budget which gets approval and that to his knowledge the Commission in the past has not denied any requests.

Commission Chairman Dixie Thompson emphasized that the Board does not seem to be made aware of the finances and what has been budgeted. Auditor, Karen Truman advised the Commission that the County Library receives a monthly expenditure budget showing all those funds, the funds used and the balance.

After further discussion, Commission Chairman Dixie Thompson emphasized the need to improve communications and understanding with the Board and provide those items which would be of help to them in understanding the budget process.

Library Board, cont. . . .

Whereupon, Commission Chairman Dixie Thompson indicated that at this point she would continue to work with the Library Board in an effort to better determine how the County could meet their needs.

#### (16) ERIC ANDERSON - EMERY TELEVISION - EMT SIGNAL PROBLEMS

Eric Anderson of Emery, Utah, questioned the Commission on behalf of the people in Emery as to what is being done in regards to the television stations. He noted that typically they only have two stations and that there are EMT pager signal problems.

Commissioner Mark Justice noted that he has discussed previously with TCI cable network the need to offer cable TV to communities like Emery, Elmo and other outlying areas. They will be presenting to the Commission a proposal wherein they could request that the Commission participate in equipment and lines. However, Mr. Anderson noted that most people in Emery who could afford cable have satellites and that older people and those on fixed incomes would prefer regular broadcast stations. Mr. Justice noted that he had met with Mayor Petty who had also discussed the same concerns as to the television and pager problems. He further inquired of the Sheriff's department if there are monies for the facilities.

The Sheriff responded in that the original budget included sufficient monies but had been cut out in the budgeting process. Commissioner Mark Justice noted that Mayor Petty will approach the CIB for possible funding. Otherwise the County will do what they can with those monies appropriated.

(17) PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission for their consideration the Personnel Action Form for Sylvia Nelson in the Treasurer's Office noting that she previously has been at 3/4 time and was requesting that she be increased to full time. Treasurer, JoAnn Behling at the request of Mrs. Snowball, advised the Commission that her office has taken on additional responsibilities with the State Tax Commission. That alone is almost a full-time position and has increased the burden on her and her office. Whereupon, motion was made by Commission Chairman Dixie Thompson to approve the Personnel Action Form for Sylvia Nelson as presented. Motion was seconded by Commissioner Clyde Thompson with Commissioner Mark Justice voting nay. Motion passed.

Commissioner Justice, in responding to his action pointed out that it was not in opposition to Sylvia Nelson, but he felt the County should do an employee inventory. He noted that there possibly could be shortages in some offices and yet over-staffing in others. The growth within the County government should be only as the County grows and that the County needs to be careful in creating new positions.

(18) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #910419 through and including #910596 for payment. In regards to the Warrants, the Commission asked that Auditor, Karen Truman, together with Pat Snowball review the request from the Utah Local Governments Trust and that if time allowed, that other comparable bids be solicited. If not, then proceed.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
13	Computer System - Nursing Home	2,700.00	Approved
14	Shop Table, Stool & Cart - Road	442.74	Approved

Whereupon, motion was made by Commission Chairman Dixie Thompson to approve the Warrant/Check Edit List for payment and approve the requisitions for purchase. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(19) SCOTT JOHANSEN - NACO PER DIEM REIMBURSEMENT

County Attorney, Scott Johansen advised the Commission that since the last Commission meeting he has found the approved per diem coverage while attending the NACO meetings as previously discussed. For example, in the Washington, DC, meeting, that the UAC per diem for himself is \$125 and the lodging alone is \$175. He asked if the Commission would cover the difference. It was the consensus of the Commission to proceed.

(20) ASSESSOR'S BUSINESS - OUT-OF-STATE TRAVEL - DIXIE SWASEY

Assessor, James Fauver asked permission of the Commission to attend classes in Wichita, Kansas, for himself and Dixie Swasey. He noted that he has budgeted monies for this training and this is the only place offering the training and it is done once per year. It covers utilities and railroads and would be beneficial to the County. Whereupon, motion was made by Commissioner Mark Justice that it would be a definite advantage to the County to give the Assessor's office all the assistance necessary in dealing with the State

Assessor's Business, cont. . . .

assessed properties. It was therefore, his recommendation that out-of-state travel and expenses be allowed for Mr. Fauver and Dixie Swasey. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(21) COMMISSION REPORT

Commission Chairman Dixie Thompson asked that the Commission for purposes of the minutes to report those areas they have been involved in.

A) Commission Chairman Dixie Thompson

1. She has received a letter from Utah Power and Light responding to the Commission's letter of January 23, 1991, wherein the Commission has withheld support until legislative session is over. Therefore, UP&L has acknowledged the letter indicating they are not necessarily in agreement, but would await further consideration by the Commission.

B) Commissioner Clyde Thompson

1. Through the Association of Governments, they have discussed with Bill Orton his plans to go through all the wilderness areas within Utah in the next five months. Mr. Orton will then make recommendations for the U.S. Congress to consider.
2. They will meet Saturday in Green River to interview for Health

Director. The applicants have been narrowed down to four.

3. He discussed his activities with the multiline insurance trust and their efforts in visiting the Counties and also to get State approval.
4. He advised the Commission that Larry Heaton has been appointed as Chairman of the Housing Authority.
5. In a recent COG meeting, it was decided that the CDBG funds would be divided between Orangeville and Clawson. It was estimated that there was approximately \$48,000 in funds.

C) Commissioner Mark Justice

1. He has met with Maughan Guymon who will be conducting a survey with the Senior Citizens to discuss the possibility of funding two luncheons per week. Recommendation will come back to the Commission and budgeting will have to be considered.
2. In regards to the Recreation Capital Improvement Fund, he noted that there is approximately \$91,000 in that fund. He indicated that he would like to get with the Recreation Director and see what can be done to improve facilities.
3. As to economic development, he has asked Bryant Anderson to contact parties in regards to a railroad and set up meetings to discuss the feasibility.

Commissioners Reports, cont. . . .

4. He has asked Mr. Anderson to look into a Turkey Plant pilot project.
5. He reviewed with the Commission upcoming UP&L meetings on economic development in April.

(22) MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:46 p.m. was made by Commission Chairman Dixie Thompson, seconded by Commissioner Mark Justice and approved by all members present.

ATTEST

CHAIRMAN

ComMin3-6-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

March 6, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:00 p.m.

The invocation was given by Commission Chairman Dixie Thompson.

A review of the agenda was made.

(1) PUBLIC HEARING - SHERIFF SALARY INCREASE

Commission Chairman Dixie Thompson opened the meeting at this time for a Public Hearing in regards to increasing the Sheriff's salary. County Attorney, Scott Johansen advised those present that this public hearing had been noticed up for this time in order to consider giving the Sheriff a three percent salary increase. It was indicated that monies are in the budget and that a public hearing is required for such an increase. Commission Chairman Dixie Thompson then opened the meeting up for public comment.

Auditor, Karen Truman noted that she had received inquiries as to why Lamar had to have a public hearing in regards to his salary increase while other elected officials had not. She, therefore, informed the Commission that all other elected officials and County employees were noticed up for a public hearing when considering the 1991 budget. Commission Chairman Dixie Thompson asked if there were any other public comments. There being none, she closed the public hearing.

Whereupon, motion was made by Commissioner Mark Justice to give the office of the Emery County Sheriff a three percent wage increase. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(2) COMMISSIONERS MINUTES

The minutes of the February 20, 1991, Commission meeting were reviewed and

corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

### (3) AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #910597 through and including #910818 for payment. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve all Warrants for payment. Motion was approved by all members present.

The following requisition was presented for Commission consideration:

Req. #	Item and Description	Amount	Action
15	Dest Scanning Program - Clerk	600.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the requisition for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

### (4)

#### CLYDE MAGNUSON - DELAYING FOREST SERVICE PROJECT - REQUEST COMMISSION SUPPORT

Clyde Magnuson, together with Vaughn Frandsen and Ina Lee Magnuson came before the Commission. Mr. Magnuson requested Commission support in postponing a proposed watershed project on Horn Mountain. He further reviewed with the Commission by map projects done in 1967. Whereas to present, those areas have been treated and still taken out of grazing and closed for elk habitat contrary to their original understanding and agreement with the Forest Service. He further pointed out that because of the increased elk herd size, it has caused considerable overgrazing. The new proposed project, it would cover approximately 10,000 acres. The Forest Service indicated there are approximately 300,000 ton of soil loss into Straight Canyon. However, after a "show me" trip, it was actually determined that no studies had taken place to the actual loss and that they are only formulated. He further pointed out that the present trend shows healing in the gullies being considered. In consideration of this being a drought period and with the present 25% cut in permits, that any action on behalf of the Forest Service should be postponed. It is expected to take at least three years to treat the land in the proposed project. The Forest Service indicated that grazing may be held off from anywhere from ten to fifteen years.

It was the consensus of the Commission, together with Mr. Magnuson that such a watershed project would be more feasible at a later time because of present drought conditions and improved conditions would increase the possibility of greater success. The Commission also advised Mr. Magnuson that they have addressed concerns to the Forest Service by letter and asked how they could now best proceed. After discussion, it was the consensus of those present that because of no further comment periods, the Commission draft a letter readdressing the concerns in an effort to postpone the action of the forest service at this time.

#### (5) EMERGENCY DISASTER PLAN

After discussion by the Commission and Sheriff, Lamar Guymon noting that they had not had sufficient time to review the disaster plan in its entirety, motion was made by Commissioner Mark Justice to table approval of the disaster plan until next Commission meeting. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

#### (6) GENE HESS - UTAH POWER AND LIGHT/PACIFICORP - PROTEST OF TAXES

Utah Power and Light area Administrator, Gene Hess came before the Commission to review those taxes paid by Utah Power and Light under protest. He advised the Commission that he understands that County Attorney, Scott Johansen had been forwarded information by FAX relating to a UP&L/Pacificorp back taxes paid under protest. In that, the amount they would forgive as a result of the AMAX case would be a total of \$2,112,027 for the year 1990 and for 1989 \$4,497,422 or a total amount of \$6,609,449. He further advised that the amount of \$1,455,080 is still under protest because of errors in valuation and they would like the Tax Commission to resolve that matter.

County Attorney, Scott Johansen at this time advised that he has not received any information from UP&L/Pacificorp that would clarify their position in any of the matters.

Mr. Hess provided to Mr. Johansen an Emery County analysis with the amounts mentioned together with a proposed notice of Public Hearing. Mr. Johansen further pointed out that the Tax Commission has noticed Emery County's filing of a protest for a full hearing on March 14 and that the State Tax Commission also has not told Emery County anything. He noted, and Mr. Hess agreed, that Utah Power and Light and the Tax Commission have been working on a settlement for two years and yet Emery County has received no information and it is now the burden on Emery County to prove their case.



The Commission inquired as to action that might be considered. Mr. Johansen advised that his office would prepare a request for continuance, postponing it until mid May, allowing sufficient time for his office to prepare their case on the matter. Mr. Johansen further reviewed the four claims in Utah Power and Light's original action. He, therefore, noted that in his discussion with Bill Peters that they agree and advise the Commission to take UP&L's request under advisement at this time.

Mr. Hess responded in that the need at present is for a timely notice of a public hearing on the refunding issue. Mr. Hess pointed out that in 1984 taxes paid were \$13,000,000. Last year, they were at \$17,000,000. What UP&L is

UP&L/Pacificorp, cont. . . .

mitigating is the increase in those taxes. However, County Attorney, Scott Johansen and Assessor, James Fauver pointed out that basically there has been no more percent increase applied to UP&L than on a residential property, for example.

Commission Chairman Dixie Thompson, together with Commissioner Mark Justice pointed out the desire of the Emery County Commission to be good neighbors with Utah Power and Light in hopes that they would reciprocate. The Commission will proceed in doing what they can do to resolve this matter in as short a time as possible. They will cooperate and bring together the information as quickly as possible in an effort to resolve the matter, recognizing UP&L/Pacificorp's request and need to proceed with the pollution control bond refunding issued in the amount of \$45,000,000.

#### (6) COMMISSION RECESS

Commission Chairman Dixie Thompson at 7:21 p.m. called for a five minute recess. The Commission reconvened at 7:32 p.m. with all members present.

#### (7) PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission for their consideration the following personnel items:

A) Road Department-Personnel Requisition - Presented was a Personnel Requisition for an Operator II as a seasonal nine-month employee to be paid at the rate of \$9.00 per hour, working five days per week.

B) Road Department-Seasonal Employee - Presented was the Personnel Action Form for Zen Majors to be hired as an Operator II in the Road Department, as a seasonal nine-month employee beginning March 18, 1991. It was noted that this would be for a weed mower operator. It was noted that Mr. Majors has previous-

ly worked for the County Road Department. This is at a rate of \$9.00 per hour.

C) Sheriff's Office-Personnel Requisition - Presented was a Personnel Requisition for a Jailer/Dispatcher in the Sheriff's Office. It was indicated that the position would be filled from the testing done on March 22, 1991. The position was a result of Jim Fielder who terminated his employment with the County.

Whereupon, motion was made by Commissioner Clyde Thompson to accept both requisitions and the Personnel Action Form for Zen Majors as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

#### (7) APPROVAL OF APPOINTMENT OF SOUTHEASTERN UTAH PUBLIC HEALTH ADMINISTRATOR - GARY ANGOTT

Commissioner Clyde Thompson advised those present that they have completed the interview process in filling the Administrator position on the Southeastern Utah Health Board. They have agreed upon Gary Angott to fill this position. Mr. Angott will replace Bob Furlough. Whereupon, motion was made by Commissioner Mark Justice to approve the appointment of Gary Angott as Administrator of the Southeastern Utah Health Board. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

#### (8) ROAD DEPARTMENT - CRACK SEALANT BID APPROVAL

Commission Chairman Dixie Thompson reviewed the abstract of quotes received by the Emery County Road Department for application of crack sealant product. Two bids received were from M&M Asphalt in the amount of \$9,915 and Maxwell Asphalt in the amount of \$13,125. It was further noted that in accordance with the Emery County procurement procedures, that with amounts under \$12,000 they did not have to be bid, but the Road Department so did.

Whereupon, Deputy County Attorney, Patricia Geary presented to the Commission for their signature a contract between Emery County and M&M Asphalt. Whereupon, motion was made by Commissioner Clyde Thompson to recognize M&M Asphalt as the apparent low bidder and authorize Commission Chairman Dixie Thompson to sign the necessary paper work. Motion was seconded by Commissioner Mark Justice and approved by all members present.

#### (9) ROAD DEPARTMENT - RELEASE OF DISASTER RELIEF BOARD FUNDS

Presented to the Commission for their consideration was the close-out documentation provided by the State of Utah Department of Economic Development. Wherein, the Disaster Relief Board would release to Emery County the sum of

\$40,780.20 as a final payment. Whereupon, Commission Chairman Dixie Thompson signed the same. It was noted by Auditor, Karen Truman that this would be due billed into the Emery County General Fund.

#### (10) COMMISSIONERS REPORTS

##### A) Commissioner Clyde Thompson

1. He has been appointed to the District BLM Advisory Council.

This appointment has been confirmed by letter from the Secretary of the Interior and that he will replace Cal Black.

Commissioners Reports, cont. . . .

##### B) Commissioner Mark Justice

1. He advised that because of the major problems and the uncertainty as to revenues as a result of the AMAX case, that the Commission will be very hesitant to approve any major purchases.
2. He introduced Mr. Allen Jorgensen to the Commission. Mr. Jorgensen made a proposal to the Commission regarding maintenance at the County Softball Complex at Huntington and the Bear Canyon Campground. Mr. Jorgensen noted that he operates a business known as R&A Enterprises, specializing in landscape maintenance. He indicated that in his proposal that he felt he could save the County \$4,000 annually if he was allowed to contract his services with the County. He noted that he has the necessary background as well as being licensed.

Commissioner Justice noted that he and Mr. Jorgensen have visited and he has made Mr. Jorgensen and those present aware that there are many other duties that Mr. Dave Thompson, the present director over the recreation, does and it would not be his proposal to releases Mr. Thompson from those responsibilities. The Commission thanked Mr. Jorgensen for coming before them at this time. No action was considered at this time. The Commission, in responding to a question from the audience, noted that this maintenance and care of the facilities would be a seasonal contract, but that the services provided by Dave Thompson go throughout the entire year.

Commissioner Justice informed the Commission that Tom Bell, the present caretaker at the Bear Canyon Campground has indicated that his health will not allow him to continue. Therefore, the County will have to look for a temporary employee or consider contracting after receiving proposals from those interested in maintaining both facilities.

Commissioner Mark Justice further requested that the Commission consider appropriate means of recognizing Mr. Tom Bell for his many years of excellent service in caring for the Bear Canyon Campground, which also included assistance from his wife. It was the consensus of the Commission to discuss this further in recognizing Mr. Bell and his wife.

3. Commissioner Justice requested consideration of the Commission in the use of funds from the recreation capital

Commissioners Reports, cont. . . .

improvement fund to be used on the following projects:

- a. Softball complex in Huntington which is in major need of repairs which include the fence, pressurized irrigation system, pavilion and playground as well as other improvements. It was noted that if such improvements were made, it would greatly enhance the facility and in turn be of benefit to the County.
- b. Improvement of two girls softball fields located on property adjacent to the Emery High School. He noted that these were properties owned by the School District and would be a joint effort. Improvement would result in an additional facility which the County could use jointly with the school.

It was, therefore, his request that the amount of \$60,000 be appropriated to improve the County Ball Complex in Huntington and \$15,000 be spent on the two fields in Castle Dale.

Whereupon, motion was made by Commission Chairman Dixie Thompson to approve the amounts as requested for the two projects as presented to be taken out of the recreational capital improvement fund. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

C) Commission Chairman Dixie Thompson

1. She noted the problems the County could have as a result of the AMAX case. She noted that people of the County, particularly small business are ignorant about the impact on them. She pointed out that in her conversation with Val Oveson earlier today that the Governor has not yet signed it into law. Her request would be to meet with the Governor in hopes that he would veto the action. She further pointed out that people would not realize the impact of this until they receive their tax notices. She further suggested that she will look into how each of the legislators voted on the matter in light of their responsibility to the Emery County residents. Further discussed was the possibility of a newsletter or article in the paper giving the overall effect on the County.

(10) OTHER BUSINESS

Auditor, Karen Truman advised the Commission that there are approximately four or five sergeants who were originally placed on exempt status and were not allowed to accumulate comp time. They have since been removed from exempt status and paid for that comp time. Other deputies comp time has been reduced down to 80 hours and this was handled as a one-time settlement payment with no withholdings.

Since that time, she has been advised that this should have been done through normal payroll procedures with the County making normal withholdings as well as pay the employer amount of the Social Security. She inquired of the Commission as to how to proceed at this time.

After further discussion, motion was made by Commissioner Mark Justice that the County pay the employer share of the Social Security benefits and that those employees affected be billed and make arrangements for their portion if at this time they have not filed their taxes. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Commissioner Mark Justice noted that he and Auditor, Karen Truman would get together and draft a letter to go to those department employees explaining the need and the action of the Commission.

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at 8:15 p.m.

ATTEST

CHAIRMAN

ComMin3-20-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

March 20, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:11 a.m.

The invocation was given by Commissioner Mark Justice.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the March 6, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(2)  
BUSINESS LICENSE APPLICATION APPROVAL

Presented to the Commission by Clerk, Bruce Funk were the following business license applications for their consideration:

A) Chall Cook-Chall's Locksmith - Application from Chall Cook for Chall's Locksmith Shop doing business as a locksmith located in the Huntington area.

B) Bill & June Adams-A&A Specialties - Application from Bill & June Adams for A&A Specialties doing MLM Marketing, Shaklee Products, Secured Independence, Health Books, Organic Growers located in the Green River area.

C) Bill L. Adams-Bill Adams' World of Magic - Application from Bill L. Adams for Bill Adams' World of Magic for wholesale and retail sell of magic apparatus for hobbies and entertainment located in the Green River area.

Mr. Funk indicated that Planning & Zoning Director, Bryant Anderson has approved the applications and therefore, are being presented for consideration. Whereupon, motion was made by Commissioner Clyde Thompson to approve all business licenses as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(3)  
CHAMBER OF COMMERCE - TYPEWRITER REQUEST

Clerk, Bruce Funk advised the Commission that Sereta Snow of the Emery County Chamber of Commerce has requested a used typewriter from the Courthouse, noting that they do not presently have one, nor do they have funds in order to purchase one. Discussed was an IBM Selectric which is presently not in use and possibly one out of the Clerk's office at a later time. Whereupon, motion was made by Commissioner Clyde Thompson to loan to the Chamber of Commerce the typewriter whereas Emery County would retain ownership and retain it on the County's fixed asset list. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(4)  
AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke, presented Warrant/Check Edit List #910819 through and including #911002 for payment. Motion was made by Commissioner Clyde Thompson to approve all warrants for payment. Motion was seconded by Commissioner Mark Justice and approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
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17	Handicapped equipment for Van - Nursing Home	4,410.00	Approved
18	Computer - Circuit Court	2,220.00	Approved
19	Judicial Robe - Green River Justice Court	123.00	Approved
20	Mobile & Fixed Phones & Instalation - Sheriff	1,1996.00	Approved
21	Minolta Microfilm Camera & Work station - Microfilm & Equipment	4,679.00	Approved
22	Epson Computer - Treasurer	2,158.00	Approved
23	5 Dodge Ram Chargers & 3 Chevrolet Caprices - Sheriff	131,775.00	Approved

Sheriff, Lamar Guymon, in response to Commissioner Justice's inquiry, indicated that approved in his budget were 10 vehicles. The present request was for 8. Two will be purchased at a later date. He further advised the Commission that they usually trade off the vehicles when the mileage is approximately 100,000

Auditor's Business, cont. . . .

or more. Most of the vehicles being replaced exceed this. He noted that one vehicle will be used for regular patrol, two on the I-70 project and five to replace the Ram Chargers. The Ram Chargers will be purchased from the State bid and delivery is expected in approximately 90 days.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the requisitions for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

In regards to the Microfilm camera and equipment, the bid being considered here was \$150 more than the Cannon equipment proposed by another vendor. However, it was the consensus of those who have been to the presentations and looked over the equipment that the Minolta was a more quality piece of equipment with additional features.

(5)



## EMERY COUNTY ASSESSOR, JIM FAUVER - REIMBURSEMENT FOR SCHOOLING

Commissioner Mark Justice reviewed the prior request of Assessor, James Fauver for reimbursement of expenses during the time he was required to take a leave of absence while running for County Assessor. He noted that the Commission had previously approved medical reimbursement with all other items being denied with the exception that the schooling costs were tabled. He advised that he has received an opinion from County Attorney, Scott Johansen and Personnel Director, Pat Snowball. He pointed out that despite those two opinions, it would be his motion to reimburse Mr. Fauver for the school expenses incurred during the time he was required to take a leave of absence. The reason for this is that Mr. Fauver was a County employee prior to the leave of absence and regardless of the outcome of the election, he would have returned as an employee. It appeared from past records that employees had received compensation for schooling.

Commissioner Clyde Thompson, expressing his concerns, felt that he could not support such a motion at this time in this regard.

Commission Chairman Dixie Thompson expressed appreciation for the input, pointing out that possibly the requisitions should have been done sooner. She noted that she has felt good about the action in the past in regards to Mr. Fauver and after further consideration, seconded the motion. Commissioner Clyde Thompson voted nay. Motion passed.

## (6) EMERY COUNTY DISASTER PLAN

The Commission discussed the proposed Emery County Disaster Plan, noting that they still have not completed review of that. However, they have made minor suggestions to Sheriff, Lamar Guymon. It was the consensus of the Commission to authorize Sheriff, Lamar Guymon to proceed with the final draft and implementation.

## (7) MINERAL LEASE AGREEMENT - EMERY AREA

The Commission reviewed a lease agreement forwarded to them from High Plains Energy Company. Wherein, they would lease certain properties south of Emery which Emery County owns for ten years at the rate of \$1 per acre per year, there being 40 acres. However, the Commission asked County Attorney, Scott Johansen for his comments. He pointed out that he agrees with Emery County Recorder, Ina Lee Magnuson in that the time period was too long. He further

reviewed that previously on leases, Emery County had received as high as a \$50 up front bonus per acre and then a yearly lease of \$1 per acre per year and a five year term.

Whereupon, motion was made by Commissioner Mark Justice that they reject the mineral lease offer from High Plains Energy Company in its present form. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

#### PROPERTY SALE IN CLAWSON

Presented by letter to the Emery County Commission was a request from Mr. Lynn Anderson who is interested in property owned by the County within the boundaries of Clawson town. This is for the purpose of establishing a processing plant. Commission Chairman Dixie Thompson pointed out that she has received from Assessor, James Fauver an evaluation on the 1.05 acres in that it ranged anywhere from \$1,500 to \$2,000. Commissioner Mark Justice inquired of County Attorney, Scott Johansen as to previous County procedures and policy. Mr. Johansen advised that the Ordinance does allow for the disposal of County property and it is discretionary as to the means of disposal by the Commission wherein they could accept offers, advertise, etc. He further inquired as to whether the County would retain mineral rights.

Planning and Zoning Director Bryant Anderson noted that he has worked with those parties involved and sees it as a viable project and would recommend it. Commissioner Clyde Thompson made a motion to approve the sale of the property and that it be in the range of \$1,500 to \$2,000 with the final amount to be negotiated. Motion was seconded by Commissioner Mark Justice and approved by all members present. As to the mineral rights, it was the consensus of the Commission that because of the small acreage it was not feasible to withhold

Clawson Property sale, cont. . . .

the mineral rights. It was further decided that this property would be offered to those making the request and the Commission would deal with the exclusively. It was also agreed that those purchasing the property would be required to perform a title search at their cost.

(9)

#### RECOGNITION OF TOM AND MARGARET BELL

At this time, the Commission recognized Tom and Margaret Bell who have been caretakers for the past five years at the Bear Canyon Campground. Commission Chairman Dixie Thompson noted that as a neighbor, she had noticed many times

they would go up two and three times a day in caring for the park and that much of the revenue collected from camping was as a result of their efforts. She further pointed out that people have been extremely satisfied, found the facilities clean and it was the Commission's regret that because of his injuries that he will not be able to continue on as caretaker. Therefore, she presented to Mr. & Mrs. Bell a \$100 gift certificate from Food Ranch in recognizing their great effort on behalf of the County.

At this time, Commissioner Clyde Thompson elaborated on many of the jobs that the Bell's have done outside of their job description, such as sprinkler repair, tables being painted and repaired, horseshoe pits, volleyball standards, almost doubling of the available campsites, improvements on the pavilions, and recognizing Mrs. Bell there along side him most of the time. In conclusion, Commissioner Mark Justice noted that this is an example of a County employee who far exceeds their job description. As such, the public has greatly benefitted from their service.

The Commission expressed appreciation again for their efforts and service to the County and its residents.

(10)

#### ECONOMIC DEVELOPMENT - PLANNING AND ZONING - PERSONNEL ASSISTANCE

Commissioner Mark Justice informed those present that in working with the Planning and Zoning and Economic Development, it has been his observation that Planning and Zoning is a very technical area requiring considerable training and schooling. He indicated that Mr. Anderson has done an excellent job. He would further suggest that the Commission consider getting Mr. Anderson some assistance in order to relieve the paper work. Possible consideration could be given to contracting for the Planning and Zoning services on a per job basis. He noted that this would allow Mr. Anderson to devote more of his time to Economic Development.

Commissioner Clyde Thompson noted that there are possibly one or two persons available in the County to perform inspecting. However, Clerk, Bruce Funk pointed out to the Commission that on such inspections, that the County would

Economic Development/Planning & Zoning, cont. . . .

have to adopt a building code and that the Commissions in the past have been reluctant to do so. Therefore, it was apparent that the Commission would give this further consideration before pursuing any further action.

Planning and Zoning/Economic Development Director, Bryant Anderson discussed

with the Commission that he would be interested in hiring a person to work 10 to 12 hours per week to do clerical work on a contractual basis or a shared employee of another County office.

Whereupon, motion was made by Commissioner Mark Justice to approve part-time clerical help for Economic Development up to 20 hours per week with consideration given to Peggy Anderson of the Clerk's office if she is so desirous to work part-time in the Clerk's office and another area. Otherwise, recruitment would be as outlined in the personnel policy.

Personnel Director, Pat Snowball advised the Commission that there is also a part-time employee in the RSVP office who might also be considered. Whereupon, motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Commissioner Mark Justice further included in his motion that implementation of the action be postponed until next Commission meeting. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

#### REDUCTION IN ANNUAL SHERIFF DEPUTY HOURS - RESOLUTION 3-20-91

County Attorney, Scott Johansen presented to the Commission Resolution 3-20-91 wherein the Resolution reduces the required annual hours work by a Sheriff's Department Deputy from 2080 hours to 2002 hours or work period hours from 160 down to 154 hours. Commissioner Mark Justice mentioned that this had been discussed previously in a meeting with Personnel Director, Pat Snowball, County Attorney, Scott Johansen, Auditor, Karen Truman, Sheriff, Lamar Guymon, himself and Commission Secretary Leslie Bolinder. He further pointed out that the present problem is that the deputies regular schedule is that they work three days on and three days off, working 11 hours per day with one hour lunch. Depending on which shift they are working, some end up with comp time problems. This has created serious problems in keeping track of hours and preventing them in going over the recommended limits.

County Attorney, Scott Johansen further discussed advantages of the Resolution and recommended Commission support. Whereupon, motion was made by Commissioner Clyde Thompson to adopt Resolution 3-20-91 as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(12)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following for Commission consideration.

A) Michael Jorgensen-Sheriff's Department - Presented was the Personnel Action Form for Michael Jorgensen of the Sheriff's Department who has completed his POST training to be advanced to a Patrol Deputy II from a Grade 9, Step 1 to a Grade 11, Step 1. This is to be effective April 4, 1991. Whereupon, motion was made by Commissioner Clyde Thompson to approve the reclassification of Michael Jorgensen as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

B) Sandy Grim-Sheriff's Department - Presented was the Personnel Action Form for Sandy Grim of the Sheriff's Department who performs Clerical duties in that department. Mrs. Snowball indicated that she has completed her six-month probationary time and it is her recommendation that she receive a one-step increase from a Grade 5, Step 1 to a Grade 5, Step 2. Motion was made by Commissioner Clyde Thompson to approve the Personnel Action Form for Sandy Grim as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(13)

#### UTAH POWER AND LIGHT PUBLIC HEARING

Motion was made by Commissioner Clyde Thompson to ratify the noticing up of a public hearing in regards to the Utah Power and Light refunding issue for April 3, 1991. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(14)

#### COMMISSIONERS REPORTS

A) Commissioner Mark Justice

- 1) He advised the Commission that he together with Sheriff Guymon and Electronics Technician Bret Mills met in an Emery City Public Hearing concerning the television, pager and other transmission facilities. He noted that this is part of the application process for CIB funds. He further noted that there were approximately 37 people from the town who expressed concern in regards to the television, but in particularly to the emergency communication services, such as EMT and fire. It was noted that it presents a liable situation for those persons involved. He further advised the Commission that he and Sheriff Guymon have committed to the people of Emery that they will do what they can to help them in their request.

Commissioners Reports, cont. . . .

- 2) Commissioner Justice noted that work has begun on the complex in Huntington. It is expected that things will be finished within the next 45 days.
- 3) He noted that the Emery County recreation sponsored a Baseball Card Show at the Huntington Senior Citizen Center. It was estimated that 250 to 300 people were involved in the show, with one-half from Carbon and one-half from Emery County. He indicated that it was a nice event and generated a lot of interest.

B) Commission Chairman Dixie Thompson

- 1) She advised those present that she will be involved in a Wilderness Conference in Durango, Colorado. Accompanying her will be Patricia Geary of the County Attorney's office. She further noted that she has been reading much information in regards to wilderness. She expects that the meetings will be beneficial to those participants and the residents of the County.
- 2) She further suggested that the County Commission adopt an ordinance as soon as possible in regards to Civil Rights of the County in order to protect local land, noting that from maps she has seen that the buffer zone is coming close to Highway 10.

(15)

OTHER BUSINESS

A) Clerk, Bruce Funk - Mr. Funk addressed the Commission in regards to concerns of students who had requested literature in regards to Emery County for presentations at their various schools. He noted that the Clerk's office has received complaints from parents that they are not receiving the literature from Emery County. He further pointed out that student presentations are to attract tourism to the area in which they are writing about. He noted that the parents many times read the material and are very aware of the services and attractions within the County. Discussion was as to how these requests should be answered, whether by the Chamber of Commerce or an office within the Courthouse.

It was the consensus of the Commission that Commissioner Mark Justice would review this with the Castle Country Travel Council in his meeting later today and a cover letter be included in the packets and the packets be upgraded as much as possible. He will work together with Commission Secretary Leslie

Bolinder and that the County continue to cover the postage at the present time. It was noted that the postage ranged from approximately \$.90 to \$1.20 each.

(16)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 11:01 a.m. was made by Commissioner Clyde Thompson, seconded by Commissioner Mark Justice and approved by all members present.

ComMin4-3-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

April 3, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:00 p.m.

The invocation was given by .

(1)

#### PUBLIC HEARING - UTAH POWER AND LIGHT \$45,000,000 POLLUTION CONTROL BOND REFUNDING

Commission Chairman Dixie Thompson opened the meeting for public comment. Mr. Gene Hess, District Manager for Utah Power & Light/Pacificorp addressed those present in that their request of the Commission was to work with Utah Power and Light in refunding \$45,000,000 in Pollution Control Revenue Bonds. He indicated that these are the highest debt bonds that Utah Power and Light has and such refinancing would be mutually beneficial. His request of the Commission would be to set a sale date as soon as possible.

Commission Chairman Dixie Thompson inquired if there were further questions Mr. Hess could answer. There being none, Mr. Don Rohbach from Chapman and

Cutler, who is bond counsel, indicated that the purpose of the meeting was to satisfy Federal Tax requirements. He further discussed a need to proceed with setting a date in order to prepare the necessary paperwork for the final sale of the bonds.

Mr. Craig Johansen, of Castle Dale, inquired as to the benefits to the County in setting a date at this time. Mr. Hess responded in that fees assessed possibly due to Emery County could amount to approximately \$150,000.

Mr. Paul Crawford, of Ferron, Utah, inquired as to the advantages to Utah Power & Light. Mr. Hess responded in that presently the bonds are at 11-1/8% and that the refunding is advantageous while the interests are low and that such a refunding would be at no obligation or risk to the County.

Mr. Bob Strong, from UP&L, responded in that the fee that the County could receive could be a lump sum or 1.52% of the bonds for the life of the bonds. This could result in \$56,250 annually.

Commissioner Mark Justice indicated that the concern in Utah Power and Light is because of their tax protests for the years 1989 and 1990 and inquired as to their present and future position in regards to tax protests.

UP&L/Pacificorp/Public Hearing, cont. . . .

At this time, Mr. Hess read a letter previously mailed to the Commission from Mr. Warren Colby of Utah Power and Light. Wherein, Utah Power and Light intended to withdraw any and all tax protests for the years 1989 and 1990 based on the refinancing of the bonds. The only one unresolved at this time was the valuation problem which would have been resolved, but has been delayed to a May 2, 1991, hearing at the request of Emery County.

Commissioner Justice further inquired as to the percentage of AMAX of total monies under protest. He stated that it appeared Utah Power and Light is not offering Emery County anything other than what they have promised everyone else and that the tax issue has put Emery County in a detrimental condition, particularly in the Castle Valley Special Service District who cannot increase revenues. Commissioner Justice further noted that all parties have spent those monies paid under tax protest in order to continue offering the services and that the refunding issue gives the County the opportunity to discuss the protest issue.

Mr. Hess responded in that Utah Power and Light is willing to discuss all issues regardless of the bond issue and that it is not UP&L's desire to cause a hardship on Emery County because of their investment in Emery County. Further, their efforts have been to reduce their costs because of rate competi-



tion. He indicated that they have always been willing to pay their fair share.

Commissioner Justice commented in that because of the AMAX issue, that it has placed the hardship from state assessed properties to personal property which the burden will be borne by the home owners and local business. As such, the intent of Utah Power and Light and Emery county is not the same.

Mr. Hess implied that those burdens could remain the same or lessened on the homeowners and small business if Emery County was to reduce their spending. He further pointed out that the Tax Commission is a key player in the \$1.4 million still unresolved.

At this time, Commission Chairman Dixie Thompson asked State Representative Brad Johnson for his comments. Mr. Johnson pointed out that the AMAX issue was one of the more important and hard issues discussed by the legislature. He indicated that it was his understanding as a legislator that by so passing, that Utah Power and Light would withdraw protests for every year. He inquired of Mr. Hess and Mr. Strong if it was their intent to continue with the protests on taxes paid to this point.

Mr. Strong pointed out that they intended to drop both 1989 and 1990 tax protest issues, but because they had entered into a stipulation with the State Tax Commission on the valuation issue and since Emery County had protested, it was unclear until that issue is resolved.

UP&L/Pacificorp/Public Hearing, cont. . . .

Representative Johnson pointed out that he would be very unhappy if Utah Power and Light did not clear up all issues. He noted that Emery County has received a greater burden and UP&L a lesser burden.

County Attorney, Scott Johansen responding to the filing of the objection, pointed out that there were basically two issues. The first being AMAX with the 1989 and 1990 tax protest by Utah Power and Light, noting that the legislation would result in an 8% increase in residential homes and a 10.7% increase in small businesses and a decrease of taxes paid by Utah Power and Light of 3.6%. He further emphasized again the burden placed on businesses and home owners. He emphasized that in regards to the 1989 and 1990 tax protests that Emery County as well as the Service District and schools have needed to use those funds and as such have spent them. Because of problems of tax rate sealings and such that possibly the Castle Valley Special Service District could have a greater difficulty in repaying. As to the issue regarding the protest Emery County made into the tax valuation, that Emery County received

only 10 days notice to show cause why they should not enter into the stipulation. Emery County's objection was clearly to find out what had taken place. With his discussions with UP&L tonight, they have agreed to provide the County Attorney's Office with the information enabling them to look at how the matter was resolved and possibly Emery County could withdraw their objection. He pointed out that over the years Emery County has enabled UP&L to bond almost one-quarter billion dollars and that Emery County has cooperated fully in the past.

Craig Johansen also pointed out the present tax burden and bond indebtedness of the communities and the Castle Valley Special Service District in providing facilities as a result of the impact of UP&L. He pointed out that UP&L is a party to the creation of the Special Service District's legislation, expressing gratitude for UP&L, but also expressing concern over the burden facing Emery County. He pointed out that this is why the governmental agencies have had to go ahead and spend the protest monies. The issues are real, they are connected and must be resolved together and that these governmental agencies must be kept stable and continue to pay their obligations.

Mr. Hess inquired as to why the County could not use the Tax Stability and Trust Fund. County Attorney, Scott Johansen pointed out that the fund was created from funds such as PILT, tax anticipation note interest and it is not fair to assume that the fund was built by the tax payer. He further pointed out that those funds could not be spent without a vote of the public and that they are a rainy-day cushion and it is not prudent to consider them.

Mike Cox, of Cox Rocks Products, expressed his concern over the increases in his business taxes and inquired if in 1991 the taxes were going to be protested by UP&L. Mr. Bob Strong indicated at this time there are no intentions and

UP&L/Pacificorp/Public Hearing, cont. . .

that many of the decisions lie with the State Tax Commission. Both Mr. Hess and Mr. Strong pointed out that they could not project future actions on behalf of Utah Power and Light.

Commissioner Clyde Thompson expressed his concern in that previously his conversations with representatives of Utah Power and Light have indicated that there would be no future tax protests and a year or so later, taxes were again protested. Castle Valley Special Service Director, Darrel Leamaster recommended to the Commission that they hold off until the May 2 hearing.

County Attorney, Scott Johansen recommended that they not set a sale date allowing sufficient time to review the issue. Further, that the County needed to decide in regards to bond counsel, who they will use, those costs incurred and allow sufficient time for review of the documentation. He pointed out that

there is a lot of legal work yet to be done.

Commission Chairman Dixie Thompson inquired if UP&L would be adverse to waiting the two weeks. Mr. Hess responded that it would be helpful if they could proceed tonight in advertising a sale date and that it does not obligate the County. Commissioner Mark Justice noted that possibly the other issues could be resolved after those documents are forwarded to the County Attorney's office in regards to the remaining issues.

There being no further discussion, Commission Chairman Dixie Thompson closed the public hearing at 7:23 p.m. noting that the Commission will let UP&L know of their decision. She expressed appreciation to those present and their comments and particularly to Representative Brad Johnson.

(2)  
COMMISSIONERS MINUTES

The minutes of the March 20, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(3)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #911004 through and including #911198 for payment. Motion was made by Commissioner Clyde Thompson to approve all warrants for payment. Motion was seconded by and approved by Commissioner Mark Justice all members present.

The following requisitions were presented for Commission consideration:

Auditor's Business, cont. . . .

Req. #	Item and Description	Amount	Action
23	Fujitsu Facsimile Machine - Commission	1195.00	Approved
24	Three Chairs - Sheriff	404.85	Approved
25	TV Translator - Communications	21390.00	Approved
26	EMT Pagers - Sheriff	4544.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the requisitions for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(4)

#### NATIONAL COUNTY GOVERNMENT WEEK PROCLAMATION

Commission Chairman Dixie Thompson presented to the Commission for their consideration a Proclamation declaring the week of April 7 through April 13, 1991, as a national county government week in which the Emery County Commission issued the same. Whereupon, motion was made Commissioner Clyde Thompson to proclaim the week of April 7 through 13, 1991, as National County Government Week. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)

#### PERSONNEL ITEMS - RESOLUTION 4-3-91A

A) Resolution 4-3-91A - Personnel Director, Pat Snowball together with County Attorney, Scott Johansen presented to the Commission for their consideration Resolution 4-3-91A which amends the Personnel Policy of Emery County. Wherein, section 3, anti-nepotism is amended to read in its entirety as follows:

"It shall be the policy of Emery County to comply entirely with the anti-nepotism section as set forth in UCA 52-3-1, et seq., as amended from time to time."

Whereupon, motion was made by Commissioner Mark Justice to adopt Resolution 4-3-91A as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

B) Other Resolutions - Also presented to the Commission by Personnel Director, Pat Snowball were two other Resolutions regarding the personnel policy. However, it was the consensus of the Commission that because they had not sufficient time to review these items that they be tabled for a later consideration.

Personnel Items, cont. . . .

C) Planning & Zoning Technician Requisition - Presented to the Commission was the Personnel Requisition Form for a Planning & Zoning technician to assist Bryant Anderson. This is to be a temporary part-time position, working 8 hours per week maximum at the rate of \$15.00 per hour plus reimbursement for mileage at the rate of \$.26 per mile.

D) Planning & Zoning/Economic Development - Office Specialist - Presented to the Commission was a Personnel Requisition Form for a Planning & Zoning/Economic Development Office Specialist. This would be a temporary part-time position, working up to 20 hours per week at the rate of \$6.80 per hour. This is commensurate with a Grade 3, Step 1.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Personnel Requisitions as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

E) Kirk Jacobsen-Planning & Zoning Technician - Presented to the Commission was the Personnel Action Form for Kirk Jacobsen of Orangeville to fill the position of a Planning & Zoning Technician to be paid at the rate of \$15.00 per hour, working 8 hours per week maximum, not to exceed six months, also to be reimbursed for mileage at the rate of \$.26 per mile. Effective date is April 1, 1991.

F) Peggy Anderson-Planning & Zoning/Economic Development Office Specialist - Presented to the Commission was the Personnel Action Form For Peggy Anderson of Castle Dale to work as an Office Specialist in the Planning & Zoning/Economic Development office to be paid at the rate of \$6.80 per hour working up to 20 hours per week, not to exceed six months. The hourly rate is commensurate with a Grade 3, Step 1. Effective date is April 1, 1991.

Whereupon, motion was made by Commissioner Mark Justice to approve the Personnel Action Forms for Kirk Jacobsen and Peggy Anderson pending final approval by the applicants. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

G) Bonnie J. Day-Elmo Library - Presented to the Commission was the Personnel Action Form for Bonnie J. Day who has completed her six-month probationary period. She is to be increased from \$4.75 per hour to \$5.75 per hour. Effective date is March 8, 1991.

H) Roxanne Bohn-Elmo Library - Presented to the Commission was the Personnel Action Form for Roxanne Bohn who has completed her six-month probationary period. She is to be increased from \$5.00 per hour to \$6.00 per hour. Effective date is March 8, 1991.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Personnel Action Forms for Bonnie J. Day and Roxanne Bohn as presented.

Personnel Items, cont. . . .

Motion was seconded by and Commissioner Mark Justice and approved by all members present.

(6)

#### EMERY COUNTY JUSTICE COURT/CASTLE DALE CITY JUSTICE COURT AGREEMENT

Emery County Justice Court Judge Stan Truman discussed with the Commission a request on behalf of Castle Dale City. He noted that Mayor Cox's proposal to the Commission for their consideration is that the County contract to handle the Castle Dale City Ordinance violations and that Emery County do both the prosecution and the judiciary work and that the County retain those fines as payment. Whereupon, motion was made by Commissioner Clyde Thompson to accept and approve the proposal as presented by Judge Truman. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(7)

#### JOEL DORSCH & BRET MILLS - LOCAL TELEVISION STATION

Mr. Joel Dorsch and Bret Mills came before the Commission requesting authorization to install television equipment in the Emery County communication facility on Horn Mountain. They noted that they would like to telecast High School sports, graduation and special events of interest to local people and that they need a facility to house their equipment which would not require purchase of new antennas by residents should they locate in another area. They noted that because of FCC requirements, they must have 24 hour broadcast and as such channel 9 of the University of Utah has agreed to participate in the project. It was further pointed out that Commercial licenses are issued once a year and that presently there is a five day window in which this application must be made. Otherwise they would have to wait another year. Commissioner Mark Justice inquired of the building facilities and inquired from County Attorney, Scott Johansen what issues the Commission needed to consider. He further expressed appreciation to Mr. Mills and Mr. Dorsch in that it is a great idea and would be of benefit to the residents.

County Attorney, Scott Johansen indicated that it is a policy issue. Mr. Keith Lake expressed no objection in that it was a good and needed service. However, he expressed concern over the ownership of the equipment and if the County would be setting a precedence.

Sheriff, Lamar Guymon expressed that it is a worthy project, but had some concern as to any precedence the County might set. However, it was agreed upon by all that the Commission could authorize making application while possibly considering the advantages under Emery County. Replacement of a present translator would be converted by Mr. Dorsch and Mr. Mills for transmission, noting that Mr. Mills indicated that they are in the process of purchas-

ing the cameras and the linking set-up.

Joel Dorsch/Bret Mills, cont. . . .

After further discussion, motion was made by Commissioner Clyde Thompson to approve Mr. Dorsch's and Mr. Mills' request in making license application. Motion was seconded by Commissioner Mark Justice and approved by all members present.

It was further agreed that a committee would be set up to further study it. It was suggested that the Emery County Sheriff, together with Keith Lake, Mr. Dorsch and Mr. Mills be a part of that Committee and make a recommendation back to the Commission at a later time.

(8)

#### DENNIS CARTER - TAX ABATEMENT

County Attorney, Scott Johansen reviewed a request of Dennis Carter for a tax abatement for the years 1989 and 1990. After review by the Attorney's office, it was his recommendation that they not grant the 1989 tax abatement and that they table the 1990 request. However, after further consideration, motion was made by Commissioner Mark Justice that they table all action in regards to the request. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(9)

#### RESOLUTION 4-3-91B - TEMPORARY USE PERMIT - NATURAL SOLUTIONS

Economic Development Director, Bryant Anderson presented to the Commission for their consideration Resolution 4-3-91B which approves and authorizes issuance of a 90-day temporary use permit to Natural Solutions of Clawson, Utah. Mr. Anderson pointed out that the project has gone before the planning and zoning staff and it is their recommendation that the Commission authorize the permit. Whereupon, motion was made by Commissioner Mark Justice to grant the temporary use permit provided that the reclamation bonds and other stipulations are adhered to prior to the issuance of the final permit. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

#### OTHER BUSINESS

Commissioner Clyde Thompson noted that the Museum Board met in Green River. They have as yet not set a dedication date on the Green River Museum, noting that they are still working on displays from the \$300,000 CIB loan. It is

expected that dedication will be sometime in May. He further noted that presently they are averaging 350 people per day.

Commission Chairman Dixie Thompson advised the Commission that Bill Orton will be meeting in the Carbon County courthouse on April 5 at 7:00 p.m. and that she plans to attend those meeting.

(11)

MEETING CANCELLATION - APRIL 17, 1991

Motion was made by Commissioner Clyde Thompson to ratify the cancellation and posting of the notice of meeting cancellation for the April 17, 1991. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(12)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting 8:50 PM

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

May 1, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:03 p.m. recognizing Mr. Steve Thornton of Union Local 2176.

The invocation was given by Commissioner Clyde Thompson.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the April 3, 1991, Commission meeting were reviewed. Motion was made by Commissioner Clyde Thompson to approve the minutes as presented. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.



(2)

FISCAL YEAR 91/92 COURT CONTRACTUAL AGREEMENT

Clerk, Bruce Funk presented to the Commission for their consideration Appendix A to the State Court Contractual Agreement. Wherein he outlined to the Commission what the contract covers. The contractual amount is for \$105,604.00 for the fiscal year 1991/1992. It was Mr. Funk's recommendation that the Commission approve and sign the same. Whereupon, motion was made by Commissioner Clyde Thompson to approve and accept Appendix A of the State Court Contractual Agreement for the fiscal year 1991/1992 as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(3)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #911365 through and including #911528 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
27	New Jersey Light Trap - Mosquito	163.30	Approved

Requisitions, cont. . . .

28	Fogger - Mosquito	7,950.00	Approved
29	Hon 4-drawer filing cabinet - Road	546.54	Approved
30	PC Version of Interface - Auditor	250.00	Approved
31	January 1991 Retroactive Raise as approved by Board of Directors - Nursing Home	1,854.27	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the warrants and requisitions. Commissioner Mark Justice seconded the motion on the condition that the warrant in regards to the Utah Local Governments Trust

in the amount of \$45,000 on last year's insurance be held for further review. Whereupon, motion was approved by all members present.

(4)

#### MAY TAX SALE - SALE METHOD

Auditor, Karen Truman reviewed with the Commission the upcoming May Tax Sale wherein certain properties which are delinquent are possibly sold. Her inquiry of the Commission was as to the method of sale. She noted that the County is entitled to the back taxes, interest, penalties and costs. In the past they have allowed bidders to bid that amount while reducing the bid property description. It is her recommendation and approved through the State legislature that another option be allowed wherein the properties are sold for those taxes, interest, penalties and costs, but allow the bidders to go up.

Commissioner Mark Justice clarified in that those funds owed to the County would go to the County and the surplus would go to the State Treasurer after which the property owner could make claim on those surplus funds. After further discussion, motion was made by Commissioner Mark Justice to approve the second option allowing the sale of properties for back taxes, interest, penalties and costs and allow the bidders to bid above those amounts without dividing up the property. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### NACO - PILT FUNDING

Auditor, Karen Truman discussed with the Commission Congressional House Bill 1495 and Senate Bill 140 wherein it has received NACO support and will double the present PILT funding. This would bring them up to the 1991 values as well as to index the program for future inflation. Noted in the NACO facts sheet,

PILT Funding, cont. . . .

that PILT had been authorized at the same level of funding since the program was first enacted. She further encouraged other elected officials to contact Jim Hansen and solicit his support of the bills.

(6)

#### CONSIDERATION OF EXTENSION ON PROPERTY BACK TAXES

1) Craig Hunter - Emery County Treasurer, JoAnn Behling informed the Commission that in regards to the Craig Hunter request for an extension, she noted that Farm Home is sending payment for back taxes to the County. Therefore, there is no need for an extension at this time.

2) Steven Wilson - Mr. Steven Wilson together with Treasurer, JoAnn Behling reviewed with the Commission his request for extension of his taxes to the November 30 deadline. Mr. Wilson indicated that he felt he could comply with meeting that deadline. It was suggested by Commissioner Mark Justice that Mr. Wilson pay something at this time upon entering into the agreement. Whereupon, motion was made by Commissioner Clyde Thompson to approve the property tax extension to Mr. Wilson to November 30 as pursuant with past agreements. Wherein, all outstanding amounts on the property must be paid in full on or before that time and that a token payment be made now in showing effort by Mr. Wilson of his sincerity in entering into the agreement. Motion was seconded by Commissioner Mark Justice and approved by all members present.

3) Kurt Williams - A property tax extension request on behalf of Mr. Kurt Williams was also reviewed with the Commission by Treasurer, JoAnn Behling. She noted that the outstanding amount due is \$817.00. Whereupon, motion was made by Commissioner Clyde Thompson to approve the property tax extension under the same conditions as outlined in the agreement and provide an initial security deposit.

4) Fred Noyes - Discussed were properties in Emery which originally belonged to Fred Noyes. Because of a bankruptcy in 1983 through 1984, he had not paid property taxes. Mrs. Behling indicated that there are no records on file as to what action has transpired. She further noted that the Small Business Administration did not file on those properties because of outstanding liens. Her inquiry of the Commission was to who has first rights to the property. Upon review of County Attorney Scott Johansen and those present, it was the consensus that the properties be allowed to go for the May Tax Sale with the understanding that any interested buyers assume the responsibility for checking out any and all liens on the property.

5) Kent Stilson Subdivision Properties - Recorder, Ina Lee Magnuson assisted the Commission in the review of the Kent Stilson Subdivision in Orangeville. Wherein approximately six to eight feet of property along two boarders of the subdivision were not originally included and as such have been left in the name of the Stilson's. Therefore, no property taxes have been paid. These are also

May Tax Sale/Kent Stilson Subdivision, cont. . . .

up for the May Tax Sale. It is the request of the Stilson's that those properties be disposed of to the property owners. It was the consensus of those present that the property be allowed to go for May Tax Sale and then the Commission could consider deeding them over to the property owners afterwards if desired. After further discussion, it was the consensus of those present that the County Attorney's office further research this matter and advise them

as to how to proceed as there are other properties within the County which have the same problem.

(7)

#### EX LICENSE PLATES

Treasurer, JoAnn Behling advised the Commission that in use of the County vehicle that she had previously been stopped because there was no County emblem on the vehicle. She indicated to the Commission that the law requires that all exempt license plates have some form of identification. After further discussion, it was requested that Emery County Sheriff Lamar Guymon look into whether a designation could be located in possibly the window or some type of County decal.

(8)

#### VEHICLE REGISTRATION OFFICE

Treasurer, JoAnn Behling requested of the Commission a time when she and Assessor, James Fauver could meet with the Commission to discuss the need to possibly relocate the vehicle registration office. She noted that this matter needs to be resolved. The Commission asked that Commission Secretary Leslie Bolinder coordinate a meeting between all parties.

(9)

#### SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT - DIRECTOR APPOINTMENT

Commissioner Clyde Thompson advised the Commission that upon request of Carbon County, that the selection of Gary Angott as Health Director be resubmitted to the Commission with the salary and any other allowances being noted in the Commission minutes. Whereupon, motion was made by Commissioner Mark Justice to approve the appointment of Gary Angott as the Health Director of the Southeastern Utah District Health Department to be paid at the rate of \$3,200 per month and a moving allowance of \$2,000. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

#### EMERY COUNTY NURSING HOME - MANAGEMENT CONTRACT CONSIDERATION

Commissioner Mark Justice advised the Commission that County Attorney, Scott Johansen has reviewed the management contract for the Emery County Nursing Home and it appears from his memorandum that it would be difficult to terminate the agreement before the 1996 renewal date. Therefore, it was his motion to table any consideration matter until he is able to meet with Heritage and determine

if they are willing to renegotiate that agreement. Whereupon, motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

#### E-911 SERVICE

Commissioner Mark Justice questioned Sheriff, Lamar Guymon as to the \$.50 per month fee being collected on phone customers for use in purchasing the E-911 service. He further pointed out that it appears that those two lines are presently costing the County \$200 to \$300 per month. The collection is at the rate of approximately \$1,200 to \$1,300 per month. He inquired as to the purpose of the funds as to whether they were to buy the equipment and when that was expected to take place.

Sheriff, Lamar Guymon responded in that the intent was that when sufficient monies were available, the equipment would be purchased. This could possibly be considered this year in the budget process. He noted that the equipment was originally expected to cost \$100,000. However, he pointed out that this could possibly be reduced because of upgrading of present equipment in the Sheriff's department. It appeared to be agreeable by all parties that this would be looked at very seriously in preparing for the 1992 budget to see if there were other monies available which could be diverted to speed the installation deadline.

(12)

#### GREEN RIVER CLINIC - FINANCIAL SUPPORT

Commissioner Mark Justice reviewed briefly the situation in Green River as to the Green River Clinic, the contention and problems. The present and past Commission have been approached by interested citizens and the matter has never totally been resolved. In the past, the County has supported the clinic in the amount of \$5,000. However, it is his motion and request to hold that payment until such time as the Commission has had a chance to review the matter further and to meet with interested parties in Green River. Suggested was during a regular meeting of the Green River Clinic Board. Whereupon, motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(13)

#### TIME ACCOUNTING METHOD - RESOLUTION 5-1-91A

County Attorney, Scott Johansen presented to the Commission for their consideration Resolution 5-1-91A wherein the Resolution recognizes one time accounting method which would be applicable to Emery County and amend the section XXXI of the Personnel Policy. Mr. Johansen further noted that this was

as a result of meetings with the Emery County Sheriff, Auditor and the Commission. Whereupon, motion was made by Commissioner Mark Justice to accept Resolution 5-1-91A as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(14)

PERSONAL TIME - RESOLUTION 5-1-91B

County Attorney, Scott Johansen presented to the Commission for their consideration Resolution 5-1-91B which designates personal time. Wherein, Section II of the Emery County Personnel Policy entitled "Emergency Leave", subsection (c) shall read as follows:

"(c) and 16 hours from sick leave may be designated by the employee as personal leave. Personal leave may be taken for whatever reason, provided scheduling is approved by the supervisor. Any time taken which cannot be justified as sick leave or annual leave, will be treated as the taking of personal leave. This provision does not change the policy of Emery County that sick leave is a privilege and not a vested right. As such, the 16 hours taken from sick leave and designated as personal leave is not a vested right."

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 5-1-91B as presented with the request that Emery County Personnel Director, Pat Snowball send notice to all employees that there has been a change and that she quote exactly from the Resolution that change. Motion was seconded by Commission Chairman Dixie Thompson. Commissioner Clyde Thompson abstained. Whereupon, motion passed.

(15)

EMPLOYEE CANDIDACY - RESOLUTION 5-1-91C

County Attorney, Scott Johansen presented to the Commission for their consideration two resolutions. One requires that a career service employee who becomes a candidate for an elected public office against an elected public official seeking re-election shall automatically be placed on a temporary leave of absence from his department for a period of 60 days proceeding the Primary or General election. Wherein, the employee could be transferred to a different department during this leave of absence time. Or, at their discretion, take a leave of absence without pay.

Resolution 5-1-91C, cont. . . .

The other resolution allowed for an employee at their discretion whether they took a leave of absence or remained employed in that department.

Commissioner Mark Justice indicated that this has been discussed by this Commission in January and again in February and he would like to see a policy implemented so that it can be in place long before any filings for office. However, a number of elected officials present, including Sheriff, Lamar Guymon; Treasurer, JoAnn Behling; Assessor, James Fauver; Recorder, Ina Lee Magnuson; and Clerk, Bruce Funk, expressed concern against adoption of either of those resolutions. It appeared that they were more comfortable with minor modifications to the present policy.

Commissioner Mark Justice pointed out that the Commission felt a duty to the citizens, providing for their best interests and those most qualified to run against an elected official would be someone from that office.

Mr. Steve Thornton, at the request of Commission Chairman Dixie Thompson, expressed support for the two resolutions.

Commission Chairman Dixie Thompson indicated that she felt that filing for an elected office should not present a hardship on those who are filing, particularly as a County employee.

It was pointed out by Sheriff, Lamar Guymon and others present that it does create considerable amount of contention within departments.

Whereupon, motion was made by Commissioner Mark Justice to adopt Resolution 5-1-91C and provide the same to the County Clerk wherein if a career service employee becomes a candidate for a public office against an elected public official seeking re-election, that the career service employee shall automatically be placed on a temporary leave of absence from that department. Said leave of absence shall be for a period of 60 consecutive calendar days immediately preceding the applicable election. The employee may elect to continue to work for the County in a different department during this leave of absence or may take the leave without pay. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(16)

#### GREGORY AND MICHELLE FRANSDEN - COUNTY NEPOTISM HIRING POLICY

Gregory and Michelle Frandsen came before the Commission expressing their concern in the openings in the Sheriff's department. Mrs. Frandsen questioned as to whether the nepotism clause actually applied to Gregory Frandsen in that Michelle is a step-daughter of one of the supervisors in the Sheriff's department and that the Utah Code does not specifically address nepotism in step-parent-child relationships.

County Nepotism Hiring Policy, cont. . . .

Commissioner Clyde Thompson noted that it was his understanding that step-parent-child relationship had been considered as nepotism and should be avoided. The Commission assured Mr. & Mrs. Frandsen that they would look into the matter and consider their case to see if it does not violate the nepotism clause of the County in which case he could be eligible for consideration by the Sheriff's Department.

Motion was made by Commissioner Mark Justice to ask that the County Attorney's office to research and to give the Commission an opinion in regards to nepotism as it affects step-parent-child in the Emery County hiring policy. The motion lacked a second. However, it deemed agreeable to all present.

(17)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

- 1) Rawlin Daniels-Recreation - Presented was the Personnel Action Form for Rawlin Daniels to be a caretaker at the Emery County Ball Complex at Huntington to be paid at the rate of \$7.50 per hour effective retroactive to April 16, 1991.
- 2) Michael Jensen-Road Department - Presented was the Personnel Action Form for Michael Jensen of the Road Department who has requested that because of back problems that he be allowed to step down from a General Foreman at a Grade 15, Step 6 or salary of \$2,579 per month to a Crew Leader at a Grade 13, Step 7 or salary of \$2,398 per month.
- 3) Ray Peterson-Road Department - Presented was the Personnel Action Form for Ray Peterson of the Road Department to be reclassified from a Crew Leader at a Grade 13, Step 5 or a salary of \$2,246 to a General Foreman at a Grade 15, Step 5 or a salary of \$2,498 per month, effective immediately.

Commissioner Clyde Thompson inquired as to whether sufficient monies were budgeted to cover the increased salary for the ball complex caretaker, noting that last year they had been paid \$5.00 per hour. Commissioner Mark Justice responded in that he has met with Recreation Department Supervisor Dave Thompson and \$5,000 had been set aside for temporary help and they would not use additional help. Therefore, there is sufficient monies to cover the increased amount.



Whereupon, motion was made by Commissioner Mark Justice to approve all three Personnel Action Forms as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(18)

EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1 - CONSIDERATION OF SEVEN-MEMBER BOARD

Commissioner Mark Justice noted that he has looked into various boards, noting that the creation of Special Service Districts allowed for a seven-member board. At present, it consists of five members. He would like to present it for Commission consideration at this time. He indicated that he felt a Commissioner should serve on that board to serve as a liaison for better communication between the Special Service District Board and the County Commission.

Commissioner Clyde Thompson reviewed the background as to why five members were originally placed instead of seven. He noted that typically those members serving are required to be outside the city limits. County Attorney, Scott Johansen indicated that the Solicitor General's opinion was that the board needed to function independently of the County Commission. Otherwise, it would possibly affect PILT payments.

Emery County Special Service District Board Member and Chairman, Merrill Swasey responded in that he felt the present five-member board was a good number to work with. He indicated that there are definite disadvantages in that a larger group would increase the overhead and possibly add confusion and he further felt that it should be left as it is.

Commissioner Clyde Thompson indicated that he felt that since there appeared to be no problems in the Board makeup and all areas appeared to be fairly represented, that he could see no reason to add any additional members at this time.

Commission Chairman Dixie Thompson felt that a five-member board would represent a good geographical balance.

There being no other comments, the Commission proceeded with other business.

(The following discussion ensued later in the meeting, but because of the relevance to the Special Service District, it is included at this time.)

Commissioner Mark Justice inquired of Mr. Swasey, noting that the roads in the County benefit the citizens. He expressed concern in reviewing Mr. Steven Killpack's letter of September 14, 1989, relative to the County Commission and the Service District, that the Commission would be involved in the annual prioritization of the road projects. He further inquired as to how the Service District Board would or did accomplish this.

Mr. Swasey responded that a meeting was held prior to the present Commission taking office where the prioritizing took place. All meetings are public meetings and the Commission is invited at all times to be in attendance. He

Special Service District No. 1, cont. . . .

further pointed out that he has been in constant communication with Road Superintendent Rex Funk and he assumed that the Commission was being made aware of those communications.

(19)

#### HORN MOUNTAIN TV COMMUNICATION FACILITY

Commission Chairman Dixie Thompson informed the Commission that she has received a copy of the conditional requirements that Emery County must comply with in their Horn Mountain facility and the Forest Service. This was given to her by the County Attorney's office.

Bret Mills and Joel Dorsch addressed concerns raised by Keith Lake in a memorandum to the Commission. Both suggested that guidelines be established for use of the facility. It was further agreed by those present that such an agreement needs to address public service versus private service in avoiding any conflict with those who are in radio communications.

After further discussion, it was the consensus of the Commission that Mr. Mills and Mr. Dorsch proceed ahead with the project and direct that the County Attorney's office prepare an official policy and agreement for further discussion and consideration by the Commission.

(20)

#### OTHER BUSINESS

1) Wayne Owens Visit - Commission Chairman Dixie Thompson advised those present that Wayne Owens will be visiting with the elected officials of Emery County on Friday, May 3, 1991, between the hours of 11:30 and 1:30 to discuss the effects of the wilderness.

2) Bond Issue - County Attorney, Scott Johansen informed the Commission that on May 2, 1991, he will be meeting with the State Tax Commission in a hearing regarding Utah Power and Light tax protest monies of which Emery County had appealed the settlement. He further recommended that the Commission not notify UP&L of any decision in regards to whether they would complete the bond refinancing through Emery County at this time.

(21)

#### CLERK'S OFFICE CONCERNS - FILING OF PAPER WORK IN THE OFFICE

Clerk, Bruce Funk informed the Commission of a concern the Clerk's office has in the proper filing of Contracts, Agreements, etc., that the Commission enters into. He also pointed out that in Ordinance 12-3-82, noting that possible revisions have changed it, but that the Clerk is responsible for maintaining a record listing all the contracts. He expressed concern that contracts have been entered into that have neither been through Commission

Clerk's Office Concerns, cont. . . .

meeting or filed in the Clerk's office. Those mentioned were one in regards to the hiring of a caretaker at the Bear Canyon Campground. It was his understanding that this has possibly been set up as a contractual agreement.

Commissioner Mark Justice responded that this should have been taken care of by Personnel Director, Pat Snowball. Mr. Funk also questioned that contracts or agreements have been issued for repairs at the Ball Complex, possibly multiple contracts, but under the \$12,000 limit, and these have not been received either.

Commissioner Mark Justice responded in that he would meet with Clerk, Bruce Funk and see what contracts needed to be obtained and get those for his files.

(22)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 9:06 p.m. was made by Commissioner Clyde Thompson, seconded by Commission Chairman Dixie Thompson and approved by all members present.

ATTEST

CHAIRMAN

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

May 15, 1991

Those present at the meeting were Commissioners Dixie Thompson, and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:10 a.m. who excused Commissioner Clyde Thompson because of illness.

The invocation was given by Commission Chairman Dixie Thompson.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the May 1, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Mark Justice to approve the minutes as corrected. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #911546 through and including #911688 for payment.

Req. #	Item and Description	Amount	Action
32	Equipment cost reference guide book - Road	384.00	Approved
33	Post hole digger, two augers, saw, blade, power unit sign post driver, hose reel and hose - Road	8,391.68	Approved

Motion was made by Commissioner Mark Justice to approve all warrants for payment and requisitions for purchase. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(3)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following to the Commission for their consideration:

A) Personnel Requisition for Weed & Mosquito Workers - These are to be temporary, seasonal employees with a scale ranging from \$6.97 per hour to \$8.25 per hour to be hired for approximately 60 days to apply herbicides and pesticides in the control of noxious weeds and mosquitos.

B) Temporary/Seasonal Weed & Mosquito Workers - The following Personnel Action Forms were presented for Temporary/Seasonal Weed & Mosquito Workers: Dennis Dooley to be paid at the rate of \$8.25 per hour; Duane Fowler to be paid at the rate of \$8.25 per hour; Tim Farr to be paid at the rate of \$8.25 per hour; and Andrew Thompson to be paid at the rate of \$6.97 per hour. Effective date is May 28, 1991.

C) Economic Development-Loralie Platero - Presented was the Personnel Action Form for Loralie Platero to work as a Temporary employee in the Economic Development department to be paid at the rate of \$6.80 per hour. This is commensurate with a Grade 3, Step 1, working up to 20 hours per week. Effective date is May 7, 1991.

Whereupon, motion was made by Commissioner Mark Justice to approve the Personnel Requisition and all Personnel Action Forms as presented. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(4)

#### HUNTINGTON CANYON EASEMENTS - UTAH POWER & LIGHT AND CASTLE VALLEY SPECIAL SERVICE DISTRICT

Presented to the Commission by Commission Chairman Dixie Thompson were two easements allowing for a right-of-way in the construction and widening project in Huntington Canyon. Wherein the easement provided to Pacificorp is for the construction and maintenance of power and distribution lines through County property. The easement provided to the Castle Valley Special Service District is for relocation of an 8" water line. These both necessitated out of the need to widen the Huntington Canyon Road, Highway #31. Whereupon, motion was made by Commissioner Mark Justice to approve and authorize the signing of the two easements and direct the clerk to sign the same. Motion was seconded by

Commission Chairman Dixie Thompson and approved by all members present.

(5)

#### BRAND INSPECTION CONTRACT

Presented to the Commission for their consideration was the renewal of the annual brand inspection contract between Emery County and the State of Utah Department of Agriculture. Commissioner Mark Justice inquired of Sheriff, Lamar Guymon as to how the \$5,000 amount was derived. Sheriff Guymon pointed out that this is what the Agricultural Department had previously paid private contractors and the Sheriff's office has been willing to continue under that amount. Whereupon, motion was made by Commissioner Mark Justice to approve the contract as presented. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(6)

#### RECOGNITION AND PRESENTATION OF AWARDS FOR UTAH'S OUTSTANDING EMT RICHARD HERRING AND COUNTY RECOGNITION OF RICHARD HERRING AND DISPATCHER BLISS MEAD

Sheriff, Lamar Guymon addressed those present, noting that this week is EMS week in which Emery County has nominated Richard Herring as the outstanding County EMT and Bliss Mead as the outstanding County Dispatcher. Sheriff Guymon further pointed out that Mr. Herring also is to be recognized as receiving Utah's Outstanding EMT award. Wherein, he recognized the dedication and efforts of both individuals. He noted that the County has an excellent program and that both individuals devote a lot of time.

Commission Chairman Dixie Thompson further expressed appreciation on behalf of the Commission recognizing their achievements both locally as well as on the State level.

(7)

#### CARBON-EMERY COUNTY DRUG TASK FORCE INTERLOCAL AGREEMENT

Sheriff, Lamar Guymon briefly discussed with the Commission the Carbon-Emery County Drug Task Force Interlocal Agreement. He noted that grants have been up, the program has been working well, they have been able to purchase good equipment and that they are presently doing good things as a result of those funds. Whereupon, motion was made by Commissioner Mark Justice to approve the Carbon-Emery County Drug Task Force Interlocal Agreement. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(8)

GREEN RIVER CITY - ADMINISTRATORS FOR DRAINAGE DISTRICT

The Commission reviewed a request on behalf of Green River City wherein they have requested they be appointed as the administrators of the Green River Drainage District. The Commission further noted that both groups are in

Green River City Drainage District, cont. . . .

agreement. Whereupon, Commissioner Mark Justice made a motion to appoint Green River City as administrators over the Green River Drainage District. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(9)

PROPERTY TAX DEFERRALS - KURT WILLIAMS - FRED NOYES

Presented to the Commission for their consideration was the previously approved property tax deferral agreement for Kurt Williams. It was noted that Mr. Williams has signed the necessary documentation. Whereupon, Commission Chairman Dixie Thompson signed the same on behalf of Emery County.

In regards to the Fred Noyes property, it was discussed by all present that there was no advantage in Mr. Noyes requesting a property tax deferral at this time. However, in lite of action taken in regards to Mr. Williams and others previously, motion was made by Commissioner Mark Justice to approve and authorize the property tax deferral under the same conditions as applied to Mr. Wilson and Mr. Williams. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

Commissioner Mark Justice further reviewed with Treasurer, JoAnn Behling his discussions with the Farm Home Office in that they were advised of certain costs applicable to certain properties. They later submit the costs only to find out that the advertising fee had not been included with those original costs. The Treasurer indicated that their office would make a greater effort in advising people of all fees.

(10)

APPROVAL OF RESOLUTION 5-15-91A - AUTHORIZING THE REFUNDING OF \$45 MILLION OF BONDS (PACIFICORP PROJECT)

The following were present at this time to discuss the refunding issue with the County Commission: Gene Hess, of UP&L/Pacificorp; Don Robaugh and Dave Brizzee, Attorneys with Chapman & Cutler; Jim Birch, of Jones, Waldo, Holbrook and McDonough.

Mr. Gene Hess advised the Commission that the refunding of the bonds would take place on May 22 and 23. Their purpose in coming before the Commission at this time is to get approval of a resolution authorizing the issuance and sale of the \$45 million principal amount of Pollution Control Revenue Refunding Bonds. Mr. Don Robaugh of Chapman & Cutler asked the Commission to consider taking action in response to the appointment of Jones, Waldo, Holbrook & McDonough as Emery County Special Counsel.

Resolution 5-15-91A, Bond Refunding, cont. . . .

Whereupon, presented to the Commission was a letter for ratification, disclosing any possible conflict that Jones, Waldo, Holbrook and McDonough have in representing Emery County as special counsel. This letter was dated May 10, 1991. Wherein, they have made a full disclosure to all parties and have waived any conflict. It was further noted that County Attorney, Scott Johansen has indicated also that it was appropriate to waive potential conflicts in this matter.

Whereupon, motion was made by Commissioner Mark Justice to authorize Commission Chairman Dixie Thompson to sign the same wherein Emery County agrees and consents to Jones, Waldo, Holbrook & McDonough and motion further included the appointment of Jones, Waldo, Holbrook & McDonough as Emery County's special counsel in the matter. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

It was further pointed out that Mr. Jim Birch was present, representing Jones, Waldo, Holbrook and McDonough as Emery County Special Counsel.

Mr. Don Robaugh further reviewed with the Commission that significant legal matters have been settled. He noted that the Resolution would approve the documents as to final form, allowing room for negotiations and clarification on other matters.

County Attorney, Scott Johansen advised those present that the fee to the County had been agreed upon and that Pacificorp has agreed to the maximum fee of approximately \$277,000 due up front and that a fee for the life of the bonds of approximately \$800,000. At this time further legal clarifications were made which would be included in the final documents. These have been requested by County Attorney, Scott Johansen, together with Special Counsel Jim Birch. Discussed was the need to have disclosure of any County employees who have an ownership interest in Pacificorp. Also discussed was that Emery County has no financial obligation pursuant to the bonds under any circumstances.

Whereupon, motion was made by Commissioner Mark Justice to adopt and approve



Resolution 5-15-91A as presented. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(11)

ROAD DEPARTMENT BUSINESS - ANNUAL CHIP AND GRAVEL HAULING BIDS

Presented to the Commission for their consideration was an abstract of quotes for chip hauling and gravel hauling. It was noted that in regards to hauling chips for the year 1991, Savage Coal Service was the apparent low bidder in the amount of \$12,477.10. Also bidding were Sinbad Construction in the amount of \$14,957.50; and Kerwin Jensen in the amount of \$16,768.40.

Road Department Business, cont. . . .

As to gravel hauling for the year 1991, Kerwin Jensen was the apparent low bidder in the amount of \$23,867.50. Also bidding were Sinbad Construction in the amount of \$26,177.50; and Nielsen Construction in the amount of \$34,950.50.

Whereupon, motion was made by Commissioner Mark Justice to recognize Savage Coal Services as the apparent low bidder in the chip hauling program for 1991 and Kerwin Jensen as the apparent low bidder for the gravel hauling, and approved their bids and authorized the Road Department to enter into contracts as agreed upon. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(12)

EMERY COUNTY LANDFILL - MANAGEMENT AND EXCAVATION OF PIT BIDS

Mr. Howard Tuttle of Johansen & Tuttle Engineering, together with Road Superintendent Rex Funk and Deputy County Attorney, Patricia Geary, reviewed with the Commission the proposals as prepared by Johansen and Tuttle. One for management of the landfill and the requirements thereof. The second would be for the excavation of the pits. Mr. Tuttle further reviewed with the Commission the additional costs assessed by the dump to large businesses. Wherein, in the past, those funds have been paid directly to the landfill managers.

After further discussion, it was the consensus of the Commission and those present that those funds go directly into the County General fund and that fees continue to be assessed on larger trucks in order to discourage dumping in the County landfill, but promote the use of private landfills. Also discussed was bonding and insurance requirements in liability performance bonds. It was the suggestion of Commissioner Mark Justice that comprehensive general liability with completed operation and products also be included. Further discussed was

whether both proposals would be offered for bid at the same time.

Whereas, Road Superintendent Rex Funk felt that the bids for excavation should be let and work completed prior to the management proposal, that bidders would have a much clearer understanding as to what is involved. However, the Commission felt that this would delay awarding of the contracts to in late August and it was their desire that this proceed as quickly as possible.

Whereupon, after further discussion, motion was made by Commissioner Mark Justice to approve and advertise for bid both projects at the same time with the changes and additions as discussed. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(13)

#### COMMISSION SUPPORT OF SALINITY PROJECT

Commissioner Mark Justice briefly reviewed with those present the need for the Emery County Commission to support the salinity project. Whereupon, motion was made by Commissioner Mark Justice to recognize Emery County's support of the salinity project and authorize Commission Chairman Dixie Thompson to issue a letter in support by the County Commission.

(14)

#### TRAVEL COUNCIL FUNDING

Commissioner Mark Justice advised those present that the Castle Country Travel Council receives matching funds from the State Travel Council. He noted that the State Board has considered eliminating those matching funds, suggesting that the 1% restaurant tax be assessed by counties to make up for those losses. Commissioner Justice noted that this would not be sufficient to make up for those losses in Carbon and Emery Counties. He noted that all of the funds received from the State have been used to promote tourism in the Carbon and Emery Counties and that they would much prefer the matching funds continue as in the past.

Therefore, it was his request and the consensus of the Commission that Commission Chairman Dixie Thompson write a letter to the State Travel Council Director and the Board Members in opposition to the elimination of the State matching funds, noting that those funds are spent directly to promote tourism and that the 1% restaurant tax is not a viable option.

(15)

#### EMERY COUNTY STERLING SCHOLAR FUNDS

Commissioner Mark Justice requested Commission consideration in that the Commission further recognize Sterling Scholars from Emery County High School and the Green River High School by the County supporting a monetary scholarship. Possibly being considered would be \$100, acknowledging their scholastic achievement. It was his suggestion that the Commission authorize him to proceed and determine if funds could be found and made available. Whereupon, Commission Chairman Dixie Thompson directed Commissioner Justice to proceed.

(16)

#### ADJOURNMENT FOR LUNCH

The Commission adjourned for lunch at 11:40 a.m. and reconvened at 1:11 p.m. with all members present.

(17)

#### ANNUAL FOREST VISIT

Mr. George Morris, the U.S. Forest Supervisor; Ira Hatch, District Forest Ranger; John Healy, Ferron Ranger; and Aaron Howe, Forest Engineer, came before the Commission as part of their annual visit. Also present were the following: Horn Mt. Permittees - Dick Jones, Arnold Wayman, Clyde Magnuson, Darlene Magnuson, Ina Lee Magnuson, Leonard Johnson, Betty Frandsen, Von Frandsen, Vick Price, Henry Seely, Jack Curtis; Jay Humphrey, Emery Water Conservancy; and Eugene Johansen, Emery Water Conservancy. Mr. George Morris introduced himself to the Commission as the Forest Supervisor and indicated their purpose in being before the Commission was to inform them as to how and what they are doing and how they can better serve the County.

The time was then turned over to Aaron Howe, Forest Engineer, who advised the Commission that he would like to meet further to discuss the Forest Roads, noting that many roads are now eligible for State Funding. He indicated that they would further look at turning roads over in the Joe's Valley area to the Road Department. He further discussed with the Commission the State land exchange. Whereas, those lands would be traded for coal resources, noting that this would reduce funds to the CIB by approximately 15%. It was further pointed out that the Travel Management plan would go into effect this summer. He noted that it is planned to leave it dynamic.

Ira Hatch reviewed with the Commission programs already taking place on the Forest. Amongst those are the sage brush spraying on Gentry Mountain. The problem at Deer Creek Mine in encountering water and discharging it into adjacent streams. The installation of an underground telephone cable up Huntington Canyon to the Genwal Mine. New coal leases being offered on a demonstrated need. The Questar pipeline having been completed. Genwal State

leases. The Meridian Gas wells on North Mountain East of Flat Canyon which is a producer and they plan to do two or three more wells. The Crandall Canyon road in Huntington Canyon to the mine will be paved. He further reviewed the drought situation, giving present precipitation percentages of normal precipitation in the various monitoring stations. He indicated that they expected a 10% adjustment in the number of livestock for grazing.

Commission Chairman Dixie Thompson at this time inquired as to the status of the elk herd. The Forest Service responded in that it has been their recommendation that the number of antlerless permits be kept at the same level in hopes of leveling out the size of the herd unit and possibly causing a slight decrease. Commission Chairman Thompson continued to express concern of the size of the elk herd which has been allowed to increase over the past years causing a reduction in the number of livestock permittees.

Commissioner Mark Justice further inquired as to how the number of permits are determined between the Forest Service and the Department of Natural Resources.

Forest Service, cont. . . .

At this time, John Healy reported on the elk. This is a Centennial year for the Forest and handed pins to each member of the Commission as present. In regards to the travel management plan, the first year would be a public education year and next year citations would be issued.

Commission Chairman Dixie Thompson suggested that the maps and guidelines be placed in licensing areas and others be made available to the public.

Mr. Healy went on to indicate that recreational development in the Joe's Valley area would be looked at. Further discussed was the need for County assistance in providing for another temporary boat ramp. The ramp constructed last year is not satisfactory. Requested was six to seven loads of gravel to be dumped east of the present temporary one.

Mr. Healy further asked Commission consideration that in an opening by the TV tower that there has been identified a sensitive plant. It was his request to re-route the road and provide barriers in order to protect the plant. He further reviewed the cuts to the number of animals being permitted to graze in the different areas of the forest.

Mr. Healy discussed the Swells water shed improvement project. He noted that comments received were generally favorable except for the timing of the project because of drought conditions. It was his recommendation and preference to initiate the program this year. He noted that the water in the soils is down to a depth of approximately 20 inches which is at or near field capacity and

expected would be good plant growth. He further showed to the Commission the battle ground project initiated in 1986, showing photographs of the condition up through and including its present state. He noted that it had progressed through the main drought years. He further recommended that they needed to start the healing in the Swells area now as they are losing soil and reduction in productivity, also losses of federal monies budgeted for the project. He anticipated that the Swells possibly could be available in 1995 if the objectives are met.

Commission Chairman Dixie Thompson questioned the need to begin the project now in a drought year and questioned whether it was worth the risk.

Mr. Healy emphasized that it was worth the risk and that funds would be lost, equipment if not put into use would be sent to other areas as well as employment for three to four individuals, thus effecting the local economy.

Commissioner Mark Justice inquired as to the time table in the planning phase and construction phase. Mr. Healy pointed out that the project was identified in 1986, noting that it involves approximately 3,000 acres. Nine hundred acres would be furrowed and seeded this year with the remainder to take place in the next three to four years. He further noted that the Forest has a policy to wait three years after construction to evaluate it.

Forest Service, cont. . . .

Mr. Clyde Magnuson, questioned the exactness of the studies being done as to soil erosion and as to the method used. Those from the Forest Service indicated that the estimates were based on scientific calculation, using all pertinent data applicable to those calculations. They emphasized that they are very comfortable with those estimates.

Mr. Magnuson emphasized that this could result in a 25% reduction or an \$85,000 decrease in income to the permittees and that this, too, would have an impact on the County. His request of the Forest Service was a guarantee that they would be able to get back into the Swells area after completion of the project. However, those from the Forest Service indicated that they could not guarantee, as Forest priorities may change over that period of time. However, they did agree to consider to opening up additional areas which have been closed in the past for reseeding.

Deputy County Attorney, Patricia Geary inquired if this was a final agency decision. The Forest Service responded in that it was and that they have had scoping and tours and solicited public input.

Also discussed by those present were reductions required in their allotments

back some 27 years ago of about 30%. Their concern in that many areas have been left strictly to wildlife habitat. They felt they have not been sufficiently involved.

Mr. Eugene Johansen noted that we must move to improve the area or lose it. He felt those from the Cattleman's Association supported improvement of the area, but have been unable to get an assurance. After completion of the project, it would be used again by the permittees.

Mr. Johansen expressed a displeasure in the Forest Service Plans to increase the recreation in the Joe's Valley area in that it creates additional sediments in the streams and reservoir.

Mr. Healy pointed out that in the Swells area a temporary fence would be in place and permittees would be allowed to use the lower portion this year while construction is taking place on the upper part. Therefore, there would be no effect next year, noting the areas at rest this year.

Commission Chairman Dixie Thompson asked the Forest Service in their public notices to advertise those in the Emery County Progress. The Forest Service explained their advertising policy. She further requested that the County receive letters at the same time rather than to follow after the publication. She noted that she would like to see cooperation between the County, the permittees and the Forest Service, recognizing the concerns of the citizens here. She again expressed her concern as to beginning the project in a drought year.

Forest Service, cont. . . .

There being no other discussion, the Commission continued with other matters.

(18)

#### SCRIP CARD CHANGES

Presented to the Commission for their consideration was exhibit A for the County Scrip Card Plan. Wherein the exclusion clause, diabetic supplies, are excluded, other than insulin and insulin syringes. Also changed were anorexics except Ritalin, Desoxyn and Dexedrine when used for ADD. Whereupon motion was made by Commissioner Mark Justice to amend the Scrip Card plan to include those two changes. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(19)

#### LAVELL SHRINER

Assessor, James Fauver discussed with the Commission the property serial #02-0087-001 belonging to Lavell Shriner, noting that there has been much misunderstanding in the past as to why the property taxes have increased. Mr. Fauver pointed out that in accepting part responsibility, it is his request of the Commission that they abate the interest on the property. Whereupon, motion was made by Commissioner Mark Justice to abate the interest on the property in question if Mr. Shriner agrees to pay the balance. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(20)

#### CLERK'S OFFICE SURPLUS COMPUTER

Clerk, Bruce Funk advised the Commission that the Emery County USU Extension Agent, Dennis Worwood has requested use of the surplus computer in the Clerk's office. Whereupon, motion was made by Commission Chairman Dixie Thompson to approve and authorize the transfer of the computer from the Clerk's office to the Extension office as requested. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(21)

#### MEETING ADJOURNMENT

The Commission adjourned the meeting.

ATTEST

CHAIRMAN

ComMin6-5-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 5, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson

and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:00 p.m. and welcomed all those in attendance.

The invocation was given by Commissioner Mark Justice.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the May 15, 1991, Commission meeting were reviewed and amended. It was the consensus of the Commission that these be brought back to the Commission for further consideration at the next Commission meeting after those amendments have been made.

(2)

#### GREEN RIVER MEDICAL CENTER - FINANCIAL SUPPORT REQUEST

Those present at this time were the following: Joan Thompson, Connie Copenhagen, William Caffee, Mary Caffee, Maxine Baker, Edith Gardner, Gladys May, Robert Seely, Charlotte Seely, Sonny Prator, Lella Davis, Olive Anderson, Bonnie Vetere, Judy Ann Scott and Bud Barton.

Mr. Bud Barton, Chairman of the Green River Medical Center Board addressed the Commission expressing appreciation for the recent visit of Commissioner Mark Justice to a meeting to show Commission support for the clinic. He noted that his purpose in coming before the Commission at this time was to solicit additional funds, noting that they are in the process of recruiting a medical provider. Most prospective providers interviewed have indicated that Green River is offering less than they are now making. Therefore, they are making a one-time request of an additional \$10,000 to be used to attract a mid-level provider. This would make the overall request of the County of \$15,000, \$5,000 of which is already budgeted in the County budget. It is anticipated that in the future the salaries would be included in the federal grant application. Such grant applications require local support. In their case, financial support must come from the city and/or the County. Commissioner Clyde Thompson at this time reviewed the budget process, noting tax revenue shortfalls and that monies are not in the budget for this year above the original \$5,000 previously budgeted.

Green River Medical Center, cont. . . .



Connie Copenhaver, Chairman of the Board of the Green River Community Health Center, then addressed the Commission, bringing them up to date on progress at the Center. She noted that they have started the clinic and provided to the Commission documentation showing the usage to 216 for the month of May, noting that Sue Ellen is the mid-level provider and a doctor comes over one day a week from Moab. The Center is open 20 hours per week. Their request of the Commission is help to resolve the continued conflict between the clinics, feeling that they offer what the majority of the citizens want, but are unable to show that. They solicit Commission support for an elected board through a referendum election. She further requested \$5,000 from the County as financial support for medical equipment.

Commissioner Clyde Thompson again at this time reviewed the budget request requirements.

Commissioner Mark Justice noted that there are basically two issues. One of which is the financial support, the second being is what the County wants to do. He noted that he has met with both groups and felt the sincerity of each group for providing a proper medical facility. He feels they both have been supportive to the citizens and that their interests are to insure good quality health care.

Mr. Burton further indicated that the Green River Community Health Center is not a non-profit center. Whereas, the Green River Medical Center is. He indicated that the Community Health Center is a private doctor's office.

However, Mrs. Copenhaver pointed out that Dr. Ed or Sue Ellen do not receive a salary. Therefore, it is "non-profit".

Commissioner Mark Justice further inquired of the groups present if they would be objectionable to the Commission supporting both groups financially.

Mr. Barton indicated that he would be concerned in that it would be setting a precedence. Further reviewed with the Commission was that in January a federally appointed arbitrator in his assessment felt that the medical board should not be an elected board and that they should be insulated from the election process in order for them to make the hard decisions. He further pointed out that it would be more difficult to get a representative board from an election process.

Commission Chairman Dixie Thompson pointed out to those present that the County's only required obligation is to provide EMT and ambulance service and does not want to subject the County to any liability. She further recognized the rift in the Green River community over the two centers, noting that the Commission could not solve the problem. She expressed that she was against an elected board and felt that a negotiated board would better serve the Com-

munity. She further encouraged them to resolve the problems between the two

Green River Medical Center, cont. . . .

groups. She emphasized that the \$500 originally budgeted is available. She further emphasized that any requests of the Commission for financial assistance for next year need to be into the Auditor's office by the first of September.

Commissioner Mark Justice indicated that in his judgment, money was available at this time from the Tax Stability and Trust Fund interest of approximately \$500,000 due to a shortfall in revenue. Also available are the bond refinancing revenues paid by UP&L to Emery County. Therefore, it was his motion to fund the Green River Clinic the \$15,000 total, that being \$5,000 originally budgeted plus \$10,000 requested at this time and the County purchase \$5,000 in medical equipment and rent it to the Community Health Center at a cost of \$1.00 per year. Wherein, Emery County would retain ownership of the equipment. This would be done in a hope that this circumstance never happen again where the community finds themselves with two competing clinics. He noted that this would be a one-time thing and that parties would need to resolve the differences during this interim time. He further asked Auditor, Karen Truman and Treasurer, JoAnn Behling to verify those figures to which they did.

Commission Chairman Dixie Thompson noted that Deputy County Attorney, Patricia Geary questioned the funding of a private organization, noting that the Medical Center has been recognized as a public facility because of previous funding. That the Health Center is new and as has not yet been established and such funding would set a precedence. Commission Chairman Thompson continued to emphasize that she would not spend anything that was not budgeted for.

Commission Chairman Dixie Thompson and Commissioner Clyde Thompson indicated at this time that they could not second the motion, basically because those monies have not been budgeted for.

Whereupon, at this time Commissioner Clyde Thompson presented a motion to provide to the Green River Clinic the \$5,000 as originally budgeted for. Motion was seconded by Commissioner Mark Justice and approved by all members present. The Commission further asked that both groups work together to resolve their differences.

(3)  
OLIVER SPUR ROAD

Commission Chairman Dixie Thompson presented to the Commission and those in

attendance consideration of four options in regards to the Oliver Spur Road located near Green River. Those in attendance at this time were the following: Dixie Thayn, Leon Thayn and Lee Thayn.

First: abandon the road through the formal abandonment procedures. Second: establish cattle guards at both ends of the lane and maintain the road. Third: establish the cattle guard and posted as being a private lane and discontinue maintenance. Fourth: install a cattle guard and gate at the other.

Oliver Spur Road, cont. . . .

Road Superintendent Rex Funk gave background as to the road history over the years. He noted that it has been on the County road maps and the County has received revenue, although they have not been involved in the maintenance for the last several years at the request of previous property owners.

Mr. Leon Thayne advised the Commission as to the history of ownership of the road by himself and the previous property owner. He noted that it was never turned over to the County as a public road and felt that the County in procuring the road would infringe on his right to protect his property. He also reviewed problems by others who have removed the gates and allowed his livestock out of the gated area. He further pointed out that he did not want the County's heavy equipment on that road because it would crush irrigation pipe. He further emphasized that never has he denied other property owners access through there, but only threatened to deny others because of their removal the gate or failed to close it.

The Commission further discussed rights of other property owners on the road. The Commission asked superintendent Rex Funk for recommendation. Mr. Funk pointed out that the canal road is not a viable road and that the canal company has prohibited its use. Therefore, it cannot be considered for access by others. At this time that he had no recommendation.

At this time, Deputy County Attorney, Patricia Geary advised those present that she has advised the other parties that the Commission would not be taking public comment. Therefore, they are not present. If the Commission was going to take comment, they should table further discussion until such time that the other parties can be in attendance.

The Commission reviewed other possible ways to resolve the differences with the recommendation that this go back to the County's legal department. Commission Chairman Dixie Thompson indicated that her recommendation would be to put a gate on the road side and a cattle guard at Mrs. Swaab's end. She noted that the other party has agreed to put in the cattle guard. If the gate is not left up, then the County would consider abandonment.

Commissioner Clyde Thompson inquired about a private gate and recommended abandonment. After further consideration, motion was made by Commissioner Mark Justice to table the discussion until the next Commission meeting. He asked Deputy County Attorney, Patricia Geary to give a legal opinion in a letter addressed to all parties. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(4)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #911699 through and including #911890 for payment. The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
34	Waldon Sweepmaster - Road	17,955.00	Approved
35	Generator and rubber mounts - Sheriff	11,655.00	Approved
36	Printer and cable - Sheriff	1,154.99	Approved

Motion was made by Commissioner Clyde Thompson to approve the warrant/check edit list for payment and all requisitions for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)

#### ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk reviewed the history on the 1980 tow behind road sweeper. He noted that it is old and it costs a considerable amount of money to maintain it. He noted that originally they purchased it for \$6,850. They have already spent over \$10,000 to keep it going. It is presently down and it is anticipated that it would cost an additional \$1,500 for repairs. The request of the Commission is for the purchase of a used, self-propelled sweeper. Presented to the Commission for their consideration was a used Waldon self-propelled road sweeper available from Arnold Machinery, noting that it is a 1988 with 494 hours at a price of \$17,955 with a three-month warranty and it is in excellent condition.

Whereupon, motion was made by Commissioner Mark Justice to approve the purchase of a Waldon self-propelled road sweeper as requested. Motion was seconded by

Commissioner Clyde Thompson and approved by all members present.

(6)

#### SENIOR CITIZENS - USE OF GAS PUMPS

Commissioner Mark Justice inquired of Sheriff, Lamar Guymon and Road Superintendent Rex Funk if they would object to the Senior Citizens program under the direction of Maughan Guymon be allowed to use the gas facilities here in Castle Dale and Green River.

Senior Citizens, Use of Gas Pumps, cont. . . .

Road Superintendent Rex Funk pointed out that the road shop facilities offer regular gas only. Sheriff, Lamar Guymon pointed out that unleaded is available at his pump provided that there is key space. There were no further objections.

(7)

#### JOE'S VALLEY ROAD - FAS PROJECT

Road Superintendent Rex Funk informed the Commission that he has received a request for payment of the \$12,000 which is Emery County's percentage of the participation for improvements on the Joe's Valley road, together with Sanpete County. The road is 3/10 of a mile in the County on the switchbacks. Whereas, Demille Engineering approached the Commission in 1988, noting that expected costs at that time to Emery County were \$4,000 to \$5,000 for engineering and participation and that was all he was originally informed of. Subsequent meetings have approved the project for up to \$40,000 out of the FAS bank. The previous Commission did agree to participate. The expected total was approximately \$45,000 for the project with a request of \$9,000 for design engineering as a result of additional studies being required.

The Commission at a later meeting was then advised that the project could go as high as not to exceed \$60,000. However, no commitment to that amount was made by the previous Commission.

Mr. Funk continued in that of the \$9,000 engineering costs, \$6,500 has been paid. The remaining \$2,500 will be paid when the project commences. His purpose in coming before the Commission at this time is to receive Commission approval of \$12,000 in the project which represents Emery County's portion of the match monies. He noted that this amount had not been budgeted. However, he requested Commission approval and signature on the agreement.

Whereupon, motion was made by Commissioner Mark Justice to approve the distribution of the \$12,000 as requested. Motion was seconded by Commissioner

Clyde Thompson and approved by all members present.

(8)

#### BUSINESS LICENSE APPROVAL

Clerk, Bruce Funk presented to the Commission for their consideration a business license application for Howard Huntsman of Ferron, Utah, to sell raw milk under the name of Ferron Creek Dairy. This was reviewed and approved by Planning & Zoning Administrator Bryant Anderson.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the license. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(9)

#### GREGORY FRANDSEN - ANTI-NEPOTISM POLICY

Commission Chairman Dixie Thompson reviewed a memorandum received from the County Attorney's office. This matter having been previously discussed by Mr. and Mrs. Frandsen. The discussion with the Commission was tabled at that time waiting for a legal opinion. Therefore, a copy of the memorandum was given to the Frandsens. Commissioner Mark Justice on behalf of the Commission expressed regret that they cannot consider Mr. Frandsen for hiring in the Sheriff's Office because of the Personnel Policy, in view of the potential for liability and a need to follow legal counsel. He expressed that there cannot be any other choice than to abide by the policy wherein Mr. Frandsen would follow under the anti-nepotism clause.

Commission Chairman Dixie Thompson noted that Mr. Frandsen would have been a benefit to the County in his hiring in being a local resident. However, she too, because of litigation expressed concern and a need to protect the County against any possible liability in that this concerned immediate family.

The Commission asked for any comments. There being none, wished them well.

(10)

#### BEAR CANYON CAMPGROUND CARETAKER CONTRACT

Commissioner Mark Justice presented to the Commission for their consideration and signature the agreement between Allen Jorgensen of R&A enterprises and Emery County wherein he will care and maintain the Bear Canyon Campground. Whereupon, motion was made by Commissioner Mark Justice to approve and authorize Commission Chairman Dixie Thompson to sign the same. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

At this time, Auditor, Karen Truman requested of the Commission that they consider moving funds from wages and benefits to professional and technical under the Recreation budget. Whereupon, motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to move the monies budgeted in wages and benefits to professional and technical while within the recreation budget for the care of the Bear Canyon Campground. Motion was approved by all members present.

(11)

#### STERLING SCHOLARS - \$50.00 DONATION

Commissioner Mark Justice, noting pursuant to a previous Commission meeting, that he has met with Auditor, Karen Truman in which there are two budgets which the monies could possibly be used from in order to provide sterling scholars a financial contribution. He recommended the amount given to those individuals be \$50. The budgets being considered were the compensated absences in which the Auditor does not anticipate using. The other fund would be a contingency fund because of uncertainty about the Utah Association of County pool that those monies may have to be used.

Whereupon, motion was made by Commissioner Mark Justice that the Commission consider giving \$50 to the sterling scholars in recognition of their outstanding academic achievement in high school. This is expected to total \$650, noting that there are twelve from the Emery High and one from Green River. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

It was further agreed that this would be disbursed as soon as possible. Upon request of Emery County Auditor, Karen Truman, motion was made by Commissioner Mark Justice to move sufficient monies from the non-departmental County budget in that amount into dues and contributions for this disbursement. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

#### TREASURER-TAX OFFICE - RSVP OFFICE RELOCATIONS

Commissioner Mark Justice indicated that he has met with RSVP Director, Carolyn Randall. Mrs. Randall has indicated that she would like to stay in the office they presently occupy, noting that the suggested relocation office would be entirely inadequate. Commission Chairman Dixie Thompson noted that she has received a bid of \$4,500 to put a temporary office facility in the lobby which would house a portion of the Treasurer's Office, handling the licensing of vehicles as well as the collection of the personal taxes. This bid having been received from Stilson Construction, the only one to respond to the request. Whereupon, motion was made by Commissioner Clyde Thompson to award Stilson

Construction the bid for constructing a temporary facility in the lobby. This is provided it is constructed so as to not disturb the structural integrity of the existing walls. Motion was seconded by Commissioner Mark Justice and approved by all members present. It was further noted that at the request of Auditor, Karen Truman a determination be made as to where those monies would come from. Considered were 1/2 from assessing and collecting and 1/2 from another budget. She noted that no monies could be used out of debt service as discussed as this would require a public hearing at some point in time.

(13)

#### RECREATION AND FIRE DISTRICT FOR EMERY COUNTY

Commissioner Mark Justice at this time asked the Commission to consider giving him approval to put together information in regards to the creation of a recreation and fire district. He would then bring back information to the Commission at a later time for action.

Commissioner Clyde Thompson suggested that they solicit public input. Commissioner Justice noted that there needed to be a lot of work done before getting to that point. However, the creation of said districts would provide a vehicle in order to receive CIB funds possibly for fire equipment and recreation facilities.

It was the consensus of the Commission that he proceed. County Attorney, Scott Johansen reaffirmed that he has been requested to look at the advantages and disadvantages with respect to the legal mechanisms, characteristics and differences and that this would take a considerable amount of work and they would get started.

(14)

#### UTAH POWER AND LIGHT BOND REVENUE DISTRIBUTION

Commissioner Mark Justice pointed out that those bond revenue monies that the County would be receiving are extra monies. He noted that the anticipated shortfall in the tax revenues would be made up from interest in the Tax Stability and Trust Funds. Commissioner Justice suggested that a decision needs to be made before adjusting the tax rate.

County Attorney, Scott Johansen pointed out that there are some upcoming pressing issues as a result of UP&L tax protests, noting that the Commission has authorized the Attorney's office to withdraw their motion objecting to the settlement. The Commission may have to consider a judgment levy on top of the maximum levy to offset those losses. He noted that this will be a significant impact on the tax payer.

(15)

#### PERSONNEL ITEMS



Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Teresa Manzanares-Attorney's Office-Leave of Absence - Presented was a Personnel Action Form for Teresa Manzanares of the Attorney's Office who has requested a leave of absence from June 9 to September 3, 1991. She noted that the County Attorney has approved this. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the leave of absence of Teresa Manzanares as requested. Motion was approved by all members present.

Personnel Items, cont. . . .

B) Jami Luce-Attorney's Office - Presented was a Personnel Action Form for Jami Luce of the Attorney's Office to a temporary full time status while Teresa Manzanares is on leave of absence. The salary is based on a Grade 7, Step 3 or \$8.89 per hour while on temporary full time status. After September 3, 1991, she will fall back to a 3/4 time position at a Grade 7, Step 1 or a salary of \$8.10 per hour. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the Personnel Action Form for Jami Luce as presented. Motion was approved by all members present. Effective date is June 9, 1991.

C) Janet Kinder-Justice Court - Presented was a Personnel Action Form for Janet Kinder of the Justice Court who has completed her six month probationary period. She has been interviewed and recommended for a two-step increase, noting that she is well qualified. This amounts to a six percent increase. The Commission questioned as to whether this was traditional. They noted that the policy does allow for it. After further discussion, motion was made by Commissioner Mark Justice to authorize a one-step increase in recognition of her completing the probationary period. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

D) Sheriff's Office-Jailer - Presented was a Personnel Requisition Form for a full-time jailer in the Sheriff's Office. The date needed was June 5, 1991, the salary will be at a Grade 11, Step 1 or \$1,854 per month. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the Personnel Requisition Form as presented. Motion was approved by all members present.

E) Kerry Bruce Ekker-Sheriff's Office - Presented was a Personnel Action Form for Kerry Bruce Ekker to be hired as a Jailer in the Sheriff's Office at a Grade 11, Step 1 or a salary of \$1,854 per month. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the Personnel Action Form for Kerry Bruce Ekker as presented. Motion was approved

by all members present. Effective date is June 5, 1991.

F) Extension Office-Clerical - Presented was a Personnel Requisition Form for a new summer temporary clerical position in the Extension Office. The salary will be at \$5.00 per hour. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the Personnel Requisition Form as presented. Motion was approved by all members present. This is retroactive to May 28, 1991.

G) April Clements-Extension Office - Presented was the Personnel Action form for April Clements to be hired as a Clerical worker in the Extension office to be paid at the rate of \$5.00 per hour. This is a temporary summer position. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the Personnel Action Form for April Clements as presented. Motion was approved by all members present. Effective date is May 28, 1991.

Personnel Items, cont. . . .

H) Orangeville Library Janitor - Presented was the Personnel Requisition Form for a part-time Janitor at the Orangeville Library. The person hired will be working 10 hours per week with a salary of \$165.83 per month. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the Personnel Requisition Form as presented. Motion was approved by all members present.

I) Rita Miles-Orangeville Library Janitor - Presented was the Personnel Action Form for Rita Miles to be hired as a part-time Janitor at the Orangeville Library to work 10 hours per week at the rate of \$165.83 per month. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the Personnel Action Form for Rita Miles as presented. Motion was approved by all members present. Effective date is June 3, 1991.

J) Office Specialist-Treasurer's Office - Presented was the Personnel Requisition Form for an Office Specialist in the Treasurer's Office. This is a 3/4 time position and the person hired will be paid at the rate of \$6.80 per hour commensurate with a Grade 3, Step 1. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the Personnel Requisition Form as presented. Motion was approved by all members present. Date needed is June 17, 1991.

(16)

BRYANT ANDERSON - ECONOMIC DEVELOPMENT

Economic Development Director, Bryant Anderson presented to the Commission for their inspection post cards representing Communities and the County. He noted

that \$500 has been provided by each of the communities to produce the cards and revenues from those would be returned for future purchases of cards. It is expected that the cards will be ready by fair time. He further pointed out that Farm Home will possibly be contributing \$39,000 to the revolving fund and that he presently has two businesses looking at those.

He further presented to the Commission Emery County's Strategic Development Plan, noting that he has reviewed several other plans. He indicated that UP&L has been the facilitator of this plan.

(17)

## COMMISSION REPORTS

Commission Chairman Dixie Thompson:

1. She noted that she has been advised by the Forest Service that they are having a timber sale on Horn Mountain.
2. The Department of Health, Social Security who has previously been in Emery County once per month will now only be here once each quarter. That will be on August 1 and November 7. This reduction is because of budget cuts.

Commissioners Reports, cont. . . .

3. In regards to the Road Department, the Buck Horn Wash Road RS2477 has been certified. However, SUWA is appealing that decision, emphasizing there will be major problems.
4. She reported on her trip to Albuquerque and that it was very informative and encouraged the development of an Economic Impact Analysis for Emery County.

Commissioner Clyde Thompson:

1. He pointed out that the County and citizens need to be aware that the State is selling inholdings for royalty monies. This would cause a reduction in Mineral Lease monies and possibly State appeals money.

Commissioner Mark Justice:

1. He pointed out the need to dispose of surplus property of the County. He indicated that he has found that there is a considerable amount of equipment in the Courthouse as

well as vehicles and such. His request would be to put such disposition on the Commission agenda for consideration at the next Commission meeting.

2. He pointed out that consideration needed to be given to possibly a joint bid between the Sheriff's office and Road Department in the purchase of fuels. Road Superintendent Rex Funk indicated that he has no problem. Although, Sheriff, Lamar Guymon expressed concern as to local vendors. It was pointed out that new regulations may require a central system.
3. In regards to the FAX machines both in the Commission office and the Clerk's office, it was confirmed by all present that both machines would be available for use by any and all departments.

(18)

#### ATTORNEY'S BUSINESS

A) UP&L State Tax Commission Issue for 89/90 - County Attorney, Scott Johansen noted that the Commission needed to ratify the action taken by the County Attorney's Office, at Commission request, to withdraw the County's objection to the stipulation in regards to the UP&L State Tax Commission issue for 1989/90.

Whereupon, motion was made by Commissioner Mark Justice to ratify the Commission request that the County Attorney's office withdraw their objection to the stipulation. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Attorney's Business, cont. . . .

B) UP&L Tax Protest for 1991 - County Attorney, Scott Johansen noted that the County has received from UP&L a protest for the year 1991. He has been advised that UP&L is withdrawing that since Emery County agreed to withdraw their objection to the aforementioned stipulation. He further advised that the coalition which was originally involved in this has now moved to amend the original complaint challenging it on the way the assessing was applied.

C) UP&L Pollution Control Revenue Bond refinancing issue - He further requested of those present if they had expenses in relation to the UP&L Pollution Control Revenue Bond refinancing issue that those claims need to be submitted to him.

D) Phone Company Easement - County Attorney, Scott Johansen presented to the

Commission on behalf of the Emery County Farmers Union Telephone Association an easement to cross County property. This is in order to install a fiber cable from Huntington Canyon to Cleveland. This is to be located on the South Boarder of the Ball Complex. Whereupon, motion was made by Commissioner Mark Justice to approve the easement. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(19)

CLERK'S BUSINESS

Clerk, Bruce Funk presented to the Commission for their consideration the following names as consideration for Registration Agent in Ferron South #2 as submitted by the republican party. The names being considered are Karrie Behling and Kathy Singleton. It was Mr. Funk's recommendation that the Commission consider the home of Kathy Singleton for this appointment filling the unexpired appointment of Alta Singleton. Motion was made by Commissioner Mark Justice to approve the appointment of Kathy Singleton as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(20)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at 9:33 p.m.

ATTEST

CHAIRMAN

ComMin6-19-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 19, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson

and Mark Justice; County Attorney, Scott Johansen; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:00 a.m.

The invocation was given by Commission Chairman Dixie Thompson.

(1)  
COMMISSIONERS MINUTES

The minutes of the May 15, 1991, Commission meeting were reviewed. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the minutes as presented. Motion was approved by all members present.

The minutes of the June 5, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #911891 through and including #912056 for payment. Also presented were the following requisitions for Commission consideration:

Req. #	Item and Description	Amount	Action
37	Volleyball Standards for Canyonview Jr. High - Recreation	1,364.95	Approved
38	Operations shortfall - Nursing Home	15,000.00	Approved
39	Dodge Dynasty (to replace Corsica) - Courthouse	4,994.00	Approved
40	Labor for water main valve replacement - Airport	250.00	Approved

Requisitions, cont. . . .

- |    |   |          |          |
|----|---|----------|----------|
| 41 | Repairs to main entrance<br>door - Airport              | 250.00   | Approved |
| 42 | Repairs to restrooms, ceiling<br>and fixtures - Airport | 500.00   | Approved |
| 43 | Concrete pad in entrance -<br>Airport                   | 750.00   | Approved |
| 44 | Sign Post Puller - Road                                 | 1,164.00 | Approved |
| 45 | Cash register - Treasurer                               | 129.00   | Approved |
| 46 | Air Conditioner for Horn Mt.<br>TV Sight - Television   | 773.57   | Approved |
| 47 | Television monitor for testing<br>purposes - Television | 350.00   | Approved |

Motion was made by Commissioner Clyde Thompson to approve all Warrants for payment and all requisitions for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(3)

#### ADOPTION OF 1991 EMERY COUNTY TAX RATE

Auditor, Karen Truman presented for Commission approval the following tax rates for the year 1991: General Fund - .003200 which is the certified tax rate; Library - .000237; Flood Control - .000206; Assessing and Collecting - .000500 and Judgment Levy - .000244.

Commissioner Mark Justice indicated that the County should not increase taxes anymore than it has to and suggested that the County explore every avenue possible before raising taxes. From his viewpoint, there appears to be other sources of income within the County that can be used in lieu of raising taxes. He suggested that the County leave the tax rate at what it was last year and use other revenue sources this year rather than increase taxes.

Commission Chairman Dixie Thompson responded that Utah Power and Light will receive 93% of the increase. She responded that if the County does not increase the tax rate, there are other areas in the County that will have to be cut. She emphasized that this has been forced upon us by the AMAX decision and the Tax Commission lowering the valuation of properties. She indicated that County Attorney, Scott Johansen and Emery County Special Counsel, Bill Peters are looking into the valuation issue in that Cache and Box Elder Counties were valued higher and Emery County lower. It was her feeling that Emery County

would rather pay higher taxes than be in trouble in the future.

1991 Tax Rates, cont. . . .

Commissioner Clyde Thompson indicated that the only alternative to higher taxes would be to cut services and if this is done, how will it benefit the home owners. Commissioner Clyde Thompson noted that when budget time comes, everyone is going to want more money. He went on further to say that last year, the budget requests were cut in all departments.

Auditor, Karen Truman indicated that this is the bottom line tax rate in order to meet the needs of the County. She indicated that if the taxes are not increased, the County would be okay this year, but next year there would be a problem and the long-term effects would not be good. She further indicated that even with this tax increase, which is the certified tax rate by statute, there will not be excess monies.

Whereupon, motion was made by Commissioner Clyde Thompson and seconded by Commission Chairman Dixie Thompson to set the certified tax rate as follows: General Fund - .003200; Library - .000237; Flood Control - .000206; Assessing and Collecting - .000500; and Judgment Levy - .000244. Commissioner Mark Justice indicated he could not support the motion. Whereupon, the motion passed.

(4)

1991 TAX RATE - SPECIAL SERVICE DISTRICT

Darrel Leamaster, of the Castle Valley Special Service District, came before the Commission. He indicated that this is the worst situation the CVSSD has ever faced. Whereupon, he presented the certified tax rate of .003099 for approval.

Motion was made by Commissioner Clyde Thompson to approve the certified tax rate for the Castle Valley Special Service District for 1991 of .003099. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)

1991 TAX RATE - WATER CONSERVANCY DISTRICT

Jay Mark Humphrey, of the Water Conservancy District, came before the Commission and asked approval of the tax rate of .00145 for the year 1991.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the tax rate for the Water Conservancy District for 1991 of



.00145. Motion was approved by all members present.

(6)  
RESOLUTION 6-19-91 - TRANSFERRING FUNDS FROM THE GENERAL FUND  
TO THE INTERNAL  
SERVICE FUND

County Attorney, Scott Johansen presented for Commission consideration Resolution 6-19-91 which transfers \$405,000 from the General Fund (Fund 10) to the Internal Service Fund (Fund 50) in order to increase the cash reserve in said fund for the County self insured health program.

Whereupon, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve Resolution 6-19-91 as presented. Motion was approved by all members present.

(7)  
CASTLE VALLEY SPECIAL SERVICE DISTRICT - COUNTY HELP IN FIXING  
BRIDGE IN FERRON

Darrel Leamaster, of the Castle Valley Special Service District, requested Commission consideration in help to fix the bridge on 400 West in Ferron which was washed out on Saturday morning. Mr. Leamaster indicated that instead of replacing the culvert which was originally in place because of the possibility of this happening again, their intent was to put in place a bridge. No action was taken at this time.

(8)  
ENHANCED 911 EMERGENCY TELEPHONE SERVICE

Keith Ware, of the Emery County Farmers Union Telephone Association, together with U.S. West Representatives, Ralph Holding, Bill Jensen and Shawna Martin, came before the Commission to discuss the Enhanced 911 Emergency Telephone Service available to Emery County.

Mr. Ware indicated that their intent in coming before the Commission today was to get an idea from them as to what kind of schedule to proceed under. He indicated that the deadline to have everything finished for this system is December 1992. He further informed the Commission that in order for the County to have this system, there needs to be a master address guide for all residence in the County.

Whereupon, after further discussion, it was the consensus of the Commission to have this system in place before the deadline of December 1992. It was further

their consensus to begin the master addressing within the County as soon as possible. No action was taken at this time.

(9)

INA LEE MAGNUSON - QUIT CLAIM DEED - EMERY COUNTY TO JONES

Recorder, Ina Lee Magnuson presented to the Commission for their approval a Quit Claim Deed between Emery County and Ronald and Sue Jones and Peter and Kathryn Jones for property as described below:

Beginning 330 feet East of the Southwest Corner, of the Northwest quarter, Northeast quarter of Section 29, Township 18 South, Range 8 East, SLB&M, thence North 264 feet; East 30 feet; South 264 feet; West 30 feet to beginning.

Whereupon, motion was made by Commissioner Mark Justice to approve the Quit Claim Deed as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

NOTICE OF AWARD TO NIELSON CONSTRUCTION - SOLID WASTE FACILITY LANDFILL IMPROVEMENT

Motion was made by Commissioner Mark Justice to award the Solid Waste Facility Landfill Improvement project to Nielson Construction who was the apparent low bidder in the amount of \$44,815.00. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

ABANDONMENT OF THE OLIVER SPUR ROAD

Deputy County Attorney, Mary Gomez presented to the Commission four options regarding the Oliver Spur Road.

Whereupon, after discussion by the Commission and Road Superintendent Rex Funk, it was the consensus for the County to abandon the road, to install a gate on the West end and install a cattle guard at the East end. Road Superintendent Rex Funk will follow up on the issue of the cattle guard and who will furnish and install it. Motion was made by Commissioner Clyde Thompson to abandon the road. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(12)

## MAY TAX SALE - PROPERTY SOLD PROBLEM

Deputy County Attorney, Mary Gomez informed the Commission that through inadvertence, Mr. Bob Law did not receive legal notice of his property being sold at the May Tax Sale. Mr. Law has now come to the County and wants to pay the back taxes and get the property back. She presented several options to the Commission for consideration. It was the consensus of the Commission and

May Tax Sale, cont. . . .

motion was made by Commissioner Mark Justice to contact the new owners, return payment to them and Quit Claim the property back to Mr. Law. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(13)

### PERSONNEL BUSINESS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Kerry Bruce Ekker/Tony Lemieux-Sheriff's Department - Mrs. Snowball informed the Commission that Kerry Bruce Ekker was approved to the position of Jailer in the Commission meeting on May 15, 1991. Subsequent to that time, Mr. Ekker found other employment outside the County. Whereupon, she presented the Personnel Action Form for Tony Lemieux of Green River to be hired as a Jailer in the Sheriff's Department at a Grade 9, Step 1 or a salary of \$1,617.00 per month. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the Personnel Action Form for Tony Lemieux as presented. Motion was approved by all members present. Effective date is June 20, 1991.

B) Annette Allen-Treasurer's Office - Presented was the Personnel Action Form for Annette Allen of Moore to be hired as an Office Specialist in the Treasurer's Office, working 3/4 time at the rate of \$6.80 per hour. Deputy County Attorney, Mary Gomez addressed a Commission concern of whether or not Mrs. Allen falls under the nepotism clause. It was the consensus of the Commission that since Mrs. Allen is a niece-in-law, that relationship does not qualify under the statute as a nepotism problem. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the Personnel Action Form for Annette Allen as presented. Motion was approved by all members present. Effective date is June 20, 1991.

(14)

## EMERY HIGH SCHOOL RODEO CLUB - REQUEST FOR FUNDS

Commission Secretary, Leslie Bolinder presented to the Commission request on behalf of Randy Fox and the Emery High School Rodeo Club. The Club is requesting County support in the form of money for various upcoming competitions they will be involved with.

After discussion by the Commission, it was their consensus that the County could not financially support them at this time. However, it was their consensus that the Commission will look into this matter to see if the County can fund this type of activity in anticipation of future requests.

(15)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the Commission meeting at 12:05 p.m.

ATTEST

CHAIRMAN

ComMin7-3-91

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS HELD IN THE EMERY COUNTY COURTHOUSE

July 3, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:10 a.m. She recognized this day before the Fourth of July and reflected on the importance of that holiday, expressing gratitude.

The invocation was given by Commissioner Mark Justice.

A review of the agenda was made.

(1)

COMMISSIONERS MINUTES

The minutes of the June 19, 1991, Commission meeting were reviewed. Motion was made by Commissioner Mark Justice to approve the minutes as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #912068 through and including #912236 for payment.

The following requisition was presented for consideration:

Req. #	Item and Description	Amount	Action
48	1991 Ford Explorer - Assessor	16,400.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the warrants for payment and the requisition for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(3)

#### 1990 EMERY COUNTY ANNUAL AUDIT

Mr. Kay Kimball of Kimball and Roberts presented to the Commission for consideration the annual audit for the year 1990. It having previously been reviewed by Mr. Kimball and the Commission. Motion was made by Commissioner Clyde Thompson, noting that he found the audit in order, to approved and accept the same. Motion was seconded by Commissioner Mark Justice and approved by all members present.

The Commission further expressed appreciation to Mr. Kimball and his associates for the fine job which they had done.

(4)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel Action Forms for consideration:

A) Road Department-Seasonal Employee - Presented was the Personnel Action Form for Ted Johnston to work as a Temporary Seasonal Full-Time Operator I in the Road

Department at the rate of \$9.00 per hour. It was noted that presently the Road Department is short-handed. Effective date is July 3, 1991.

B) Emery Library-Assistant Librarian - Presented was the Personnel Action Form for Paulette Young to be hired as an Assistant Librarian at the Emery Library to be paid at the rate of \$4.89 per hour not exceeding 20 hours per week. Effective date is retroactive to July 2, 1991. Mrs. Young was hired to fill the vacancy of Annette Allen who was hired in the County Treasurer's office.

Motion was made by Commissioner Mark Justice to approve the Personnel Action Forms of Ted Johnston and Paulette Young as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### MINIMUM WAGE

Personnel Director, Pat Snowball advised the Commission that some employees such as Library Custodians are not presently receiving the \$4.25 minimum wage which went into effect in April. The Commission assumed that this matter had previously been taken care of. Therefore, to avoid any further delays, motion was made by Commissioner Mark Justice that Emery County pay at least the minimum wage set by the Federal Government and that it be allowed to change accordingly to federal guidelines and be retroactive to the time of implementation. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

#### SHERIFF'S DEPARTMENT 160 MINIMUM HOURS

Personnel Director, Pat Snowball together with Sheriff, Lamar Guymon and Auditor, Karen Truman reviewed problems in the current Resolution 3-20-91 enacted on March 20, 1991. Wherein, the Sheriff's department employee was required to work 154 hours in a 28 day period. She reviewed with the Commission the problems arising from that and that the Commission consider changing back to the minimum of 160 hours as recommended by Lynn Lund. She further presented to the Commission for their consideration a proposed Resolution. However, it was the consensus of the Commission that because of insufficient time to review the Resolution, it not be considered at this Commission meeting, but at a future date.

However, motion was made by Commissioner Mark Justice to amend Resolution 3-20-91 wherein to read "160 hours" rather than the original 154 hours as stated therein. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(7)

#### WORKMAN'S COMPENSATION - JOANN TAYLOR

Personnel Director, Pat Snowball discussed workman's compensation in regards to JoAnn Taylor. She advised the Commission that Workman's Compensation has denied benefits to Mrs. Taylor in that the accident was deemed to have occurred on her own time and while not on the job. The claim has been turned over to the auto insurance.

(8)

#### COMMISSIONERS REPORTS

Commissioner Mark Justice:

1. He requested a report from Clerk, Bruce Funk in regards to revenues received by the Bear Canyon Campground for May 1991. That having been reviewed with the Commission, Mr. Justice had no other matters at this time.

Commissioner Clyde Thompson:

1. He noted that the Commission needs to send letters to the Utah Department of Transportation in regards to the Huntington Canyon project in order to see that it proceeds expeditiously. Commission Chairman Dixie Thompson indicated that she would follow-up on that matter.
2. He discussed upcoming BLM Advisory meetings and the role in which Emery County would take.

Commission Chairman Dixie Thompson:

1. She discussed the problems in the mine roads. In regards to Gypsum Resource Development, she informed the Commission that they have requested release of their bond or at least 3/4 of it, possibly \$75,000 to put towards the operation. She has reviewed this with Road Superintendent Rex Funk. He indicated that the remaining \$25,000 would be sufficient to repair any road damage and reclaim the mine site should the County have to. She further advised that in reviewing this with Craig Johansen of Johansen and Tuttle Engineering, he informed her that neither J&T nor Nielsen Construction have been paid. Therefore, the County could be liable in case of possible default. Therefore, she will follow up on this matter.

2. She advised that she has written letters to the five Congress people in regards to requesting they consider and support moving the BLM office to Castle Dale. She noted that the BLM is also in favor of the move. This would result in the transfer of 18 people to Castle Dale.
3. She discussed a letter she has sent to the BLM to let them know that they are not keeping the County informed and not following regulations in regards to the proposed Wild and Scenic Rivers Act as indicated in her article in the Emery County Progress.
4. She expressed concern over the forest service excavations in the Grassy Lake area. She noted that several campsites on the South end have basically been eliminated and only one remains for users. She noted that it has left the area scared. She by letter has informed Ira Hatch of their concern, noting that although it is not in Emery County, it has a great economic impact on the County. She will continue to follow this matter.
5. She reviewed the Environmental Impact Statement in regards to the proposed wilderness areas. She noted volume I and expressed concern this would involve upstream waters and those rights belonging to wilderness areas effecting all of the communities in Emery and Carbon Counties.
6. She advised that Bill Orton will be here on July 20 and asked people to have specific problems to discuss. She further discussed the Class D roads on the system in the wilderness area and hopes to have it completed for that meeting.
7. She advised the Commission that the Huntington airport runway needs resurfacing and she has contacted a consulting firm to look into funding. Commissioner Clyde Thompson advised that application was made approximately two years ago and Emery County was in line for that.

(9)

#### ATTORNEY BUSINESS

County Attorney, Scott Johansen advised the Commission that the Utah Association of Counties has agreed to fund AMAX, Pacificorp and Coastal States law suites. This will greatly reduce the cost to Emery County. He further discussed other litigation in which he is a member of a Committee they have formed and they have the responsibility of proceeding in those matters.



Also discussed by him and Assessor, James Fauver that through the multi-county trust and the UAC, consideration would be given to a State Executive to administer the assessment of centrally assessed properties and discussed the benefits it would render to the Counties.

(10)

#### CLEVELAND LIBRARY ELECTRIC SERVICE AGREEMENT

Clerk, Bruce Funk presented to the Commission for their consideration the Electric Service Agreement as prepared by UP&L in providing electrical service to the Cleveland Library. There are no costs up front incurred. Whereupon, motion was made by Commissioner Clyde Thompson to approve the Electric Service Agreement as presented and authorize Commission Chairman Dixie Thompson to sign the same. Whereupon, motion was seconded by Commissioner Mark Justice and approved by all members present.

(11)

#### SHERIFF'S BUSINESS

Sheriff, Lamar Guymon briefly reviewed with the Commission the Emergency Management Policy which the Commission had previously been given. He indicated that he has been advised that those were issued in error. Therefore, he still needs the Commission's suggestions and the new one would be revised and coming out at a later date.

Sheriff, Lamar Guymon advised that he has had the State inspect his jail and they have recommended certain changes. He will meet with Commissioner Mark Justice for consideration of those changes.

(12)

#### MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at 10:50 a.m.

ATTEST

CHAIRMAN

ComMin7-17-91

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

July 17, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:00 a.m. who welcomed Charlane Luke and Jim Fauver to the meeting.

The invocation was given by Clerk, Bruce Funk.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the July 3, 1991, Commission meeting were held until the next Commission meeting to allow sufficient time for review.

(2)  
AUDITOR'S BUSINESS

Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #912253 through and including #912396 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
49	Server, Program and Hardware - Attorney	4,437.23	Approved
50	Sirens, Flashers, Speaker, Control Switches, Light Bars, Mounting Kits and Freight - Sheriff	2,338.39	Approved
51	Big Boss 4X6 - Weed & Mosquito	3,636.00	Approved
52	Hon File Cabinet - Sheriff	633.00	Approved

Motion was made by Commissioner Mark Justice to approve all warrants for payment and all requisitions for purchase. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(3)

### ECONOMIC DEVELOPMENT - STATUS REPORT

Economic Development Director, Bryant Anderson advised the Commission as to the progress being made by Emery County Economic Development. He noted that they are receiving the revolving loan funds from Farm Home as previously discussed with the Commission. They are also finishing up two applications for those funds by local businesses, one being in Orangeville and the other in Green River. He went on to advise that the post cards previously approved by the Commission have arrived and are in Green River at the present time.

Mr. Anderson reported that McDonald-Douglas has indicated that our area AOG is one of the most aggressive and that Emery County representatives are the most aggressive in that organization. As to the Joe's Valley Fat Tire Festival, he noted that 180 participants had registered and it had gone off well. It is expected to grow and those organizers expressed appreciation to the Commission for their contribution. Mr. Anderson also pointed out that he is in the process of putting together new business loan packets and they should be available in the near future.

In regards to Gypsum Resource Development, Commission Chairman Dixie Thompson read to Mr. Anderson and those present a letter faxed to the Commission from GRD. Wherein, GRD inferred that Emery County appeared to be more concerned in the road work than the Economic Development their operation brings to the County. GRD requested further bond reduction from that discussed in the previous Commission meeting, that they felt the \$25,000 for roads was excessive and that a surety bond was counter-productive. Their recommendation would be for a bond of \$10,000 and \$10,000 for magnesium chloride. They indicated that GRD cannot realize a return on their road investment. They expressed hope that the road maintenance bond would not be required. They further indicated that they had no funds available for magnesium chloride application on the road.

Mr. Anderson responded in that the County has always, with each new management of Gypsum Resource Development, expressed appreciation to have them here, but have always indicated that the road is a problem. He indicated that as each new GRD administration comes in, it is as though they have never been made aware of the road problem. He further indicated that the County has always been willing to work with them. He felt that the County has supported them. This was clarified by Road Superintendent Rex Funk that the County has probably spent over \$200,000 on the road. Mr. Funk further indicated that a bond of at least \$25,000 was needed to maintain the roads, with an additional \$10,000 for reclamation of the mine site. It was further pointed out to the Commission by County Attorney, Scott Johansen

that many times those having difficulty securing the bonding are those that the County needs to maintain bonds on.

Road Superintendent Rex Funk pointed out that five miles of the road need to have magnesium chloride applied immediately. He further advised the Commission that Johansen and Tuttle Engineering and Nielsen Construction have not been paid for road work. Commission Chairman Dixie Thompson indicated that the letter implies that the County has not done their part. It appears that they are asking for a loan in which the County does not offer to private industry. The County has already expended a considerable amount of money and services in support of the GRD project.

Commissioner Mark Justice confirmed also that this Commission as well as the previous Commission have spent a considerable amount of money on the roads which they never would have otherwise spent. He indicated that he cannot support additional spending until the Commission receives a new commitment from GRD and an understanding as to where GRD is going. He recommended that the Commission do nothing until Johansen and Tuttle and Nielsen Construction have been paid.

It was the consensus of the Commission that the \$100,000 surety bond remain intact until all unpaid parties have been paid and that a bond of \$35,000 be considered after the magnesium chloride has been applied.

Whereupon, motion was made by Commissioner Clyde Thompson that only upon completion of magnesium chloride application and upon full payment to Johansen and Tuttle Engineering and Nielsen Construction that the surety bond be reduced to \$35,000. Motion was seconded by Commissioner Mark Justice noting that upon compliance, this would mean a \$65,000 reduction in the surety bond. Motion was approved by all members present.

(4)  
INTERLOCAL AGREEMENT - SOUTHEASTERN UTAH ASSOCIATION OF  
GOVERNMENTS IN EMERY  
COUNTY ON AGING

Presented to the Commission for their consideration was the Interlocal Agreement between the Southeastern Utah Association of Governments Area Agency on Aging and Emery County. The agreement is similar to previous years. Whereupon, motion was made by Commissioner Mark Justice to approve the agreement as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)  
APPROVAL OF FY 92 CONTRACT BETWEEN THE SOUTHEASTERN UTAH  
ASSOCIATION OF  
GOVERNMENTS NUTRITION AND AGING PROGRAMS

Presented to the Commission for their consideration were the contract between the Southeastern Utah Association of Governments and Emery County for operation of the nutrition and aging programs in Emery County. This was similar as in previous years. Motion was made by Commissioner Mark Justice to approve the contract as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

#### BAILIFF SERVICE CONTRACT - ADMINISTRATIVE OFFICE OF THE COURTS

Presented to the Commission was the contract for bailiff services between Emery County and the Administrative Office of the Courts. This having been previously reviewed and approved by Sheriff, Lamar Guymon. Motion was made by Commissioner Clyde Thompson to approve the contract as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(7)

#### PERSONNEL ITEMS

A) Resolution 7-17-91A - County Attorney, Scott Johansen presented Resolution 7-17-91A for Commission consideration, noting that this would increase the hours worked by a Sheriff deputy from 154 hours to 160 hours in a 28 day period as approved last Commission meeting.

B) Draft Resolution Regarding Residency - Presented was a draft Resolution requiring continual residency in Emery County while employed as a career service employee.

After further discussion, motion was made by Commissioner Clyde Thompson to approve Resolution 7-17-91A, increasing the work period to 160 hours per 28 days for Sheriff's deputies. In regards to the residency resolution, that be held fur further consideration. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

C) Road Department-Roy C. Brewer - Presented was a Personnel Action Form for the hiring of Roy Brewer, noting that this is a five-month temporary position and that the Commission had previously approved Ted Johnson for that position. Mr. Johnson did not report to work and they have been unable to locate him. Therefore, it was Road Superintendent Rex Funk's recommendation that Roy Brewer be considered for that position at the same rate of pay at \$9.00 per hour.

D) Branch Librarians-Cleveland and Huntington - Mrs. Snowball advised the Commission that there are two branch librarians who work 39 hours per week. She had discussed with Jerilyn Mathis the need to increase that to 40 hours per week and provide full benefits. She noted that presently there are three other branch librarians who basically have the same job description and have been classified as career service employees working 40 hours per week. Those effected would be Micky Carter and Geraldine Mortensen. She further advised the Commission that these individuals would be put on the salary schedule at a Grade 5, Step 1 or a salary of \$1,304. This would mean a cost to the County of approximately \$168.00 per month each plus benefits. She further noted that Jerilyn Mathis felt that her budget was sufficient for those increased costs.

Whereupon, motion was made by Commissioner Mark Justice to approve the hiring of Roy Brewer in the Road Department and to approve the Personnel Action Forms for Micky Carter and Geraldine Mortensen as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

E) Exempt 3% Reduction - Commission Chairman Dixie Thompson advised the Commission that she expected considerable concern by employees with the possible reduction of 3% from those previously considered exempt. Wherein under the new guidelines that they would no longer be exempt. Her concern was that such a reduction would decrease the morale of the employees. Whereupon, after further discussion, it was the consensus of the Commission and motion was made by Commissioner Mark Justice to table this matter for consideration at a later date and that this matter not be published in the local paper or to the employees while under consideration. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)  
RSVP - AOG RSVP CONTRACTS

Presented to the Commission for their consideration was the contract between the Southeastern Utah Association of Local Governments Area Agency on Aging and the Emery County Retired Senior Volunteer Program. It was noted that this is the same as in previous years and it appears there are no increases in the budget. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the contract as presented. Motion was approved by all members present. Whereupon, it was the consensus of the Commission that Commission Chairman Dixie Thompson sign the same.

(9)  
VICTOR PRICE REQUEST - CATTLE GUARD

Mr. Victor Price, of Castle Dale, Utah, came before the Commission requesting that a cattleguard be installed on the County road approximately 1-1/2 miles east of Clawson. This would be in order to contain his cattle which have been

getting up into other farms in the Clawson area.

Road Superintendent Rex Funk advised Mr. Price as in previous occasions that the County has an Ordinance which requires the requesting individuals to participate in the cost of the cattleguard which is approximately \$2,500. After which, the County installs and maintains the cattleguard in the future. This would be in accordance with Ordinance 8-7-85A. When asked about his willingness to participate, Mr. Price indicated that he has already contributed thousands of dollars to the County in gravel and that he did not feel he owed the County anything.

Commission Chairman Dixie Thompson suggested that the Commission meet together with Mr. Price and Road Superintendent Rex Funk and view the site in regards to the request.

Whereupon, motion was made by Commissioner Mark Justice to postpone consideration of the request until the next Commission meeting to allow sufficient time for all parties to meet and review the request further. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

#### SPROUSE REITZ STORE CLOSING

Economic Development Director, Bryant Anderson at this time advised the Commission that the Sprouse Reitz store in Castle Dale is closing on July 29th. They are expected to begin a liquidation sale on August 1. He noted that the store has been profitable in the chain and that its closing presents a hardship on the people in the area. He suggested a request be made to the Area Manager, Keith Diamond for a three-month reprieve prior to closure. He inquired if the Commission would offer their support through a letter if so requested. It was the consensus of the Commission that if so requested, they would do so.

(11)

#### ASSESSOR'S CAR

Commissioner Mark Justice presented to the Commission a new requisition for a Chevy S-15 from Mountain View Motors for the Assessor's office. Assessor, James Fauver has talked with Gary Arrington of Merrill Motors who indicated that by Friday they would have the previously approved vehicle. Commissioner Mark Justice inquired if the Commission was desirous to approve the second vehicle. This would be done so that it would be ready should Mr. Fauver determine the vehicle from Merrill Motors was not what we wanted or did not arrive. Then Mr. Fauver could proceed with the one from Mountain View Motors.

After further discussion, it was the consensus of the Commission that approval of the second requisition be held until such time as determination has been made by Mr. Fauver in regards to the approved purchase from Merrill Motors.

(12)

## MULTI-LINE INSURANCE

County Attorney, Scott Johansen inquired of Commission Chairman Dixie Thompson if she had received the draft Resolution for the County Multi-Line Insurance. This was sent to her from the Utah Association of Counties. The Resolution is to join the state-wide County insurance pool. If the County is in agreement to join the pool, they would like an indication as soon as possible.

Commission Chairman Dixie Thompson indicated that she has not received the Resolution at this time.

Commissioner Clyde Thompson expressed that the Multi-Line Insurance Trust was a good deal.

Commission Chairman Dixie Thompson informed the Commission that she has looked into it also and has been impressed with how it is put together and the reports to be made available to the Commission.

Commissioner Mark Justice noted that he was also in favor of the County joining. He indicated that it would result in our County not being liable for other Counties costs. He further noted that it is a one-year commitment only and it can be renewed. He expressed concern that possible the County was still obligated to pay the full-year's premiums into the present Utah Local Government's Trust. This would possibly result in double coverage wherein the Multi-Line insurance is expected to begin the first of September of this year.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 7-17-91B and the Bylaws of the Insurance Pool. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

County Attorney, Scott Johansen advised the Commission that the Insurance Commission requires a \$500,000 reserve and as such, it will be up to the Counties to pledge those reserves. He noted that other Counties such as San Juan have agreed to participate. He noted that the monies pledged would be kept in the County's own accounts and all interest would be ours. He further indicated that if the County was so desirous to pledge money, that documentation is presently being prepared and the pledge should be up to \$350,000.

Commissioner Mark Justice questioned the pledge time period. Mr. Johansen indicated that the documents do not specify, but they are to be released as soon as the reserves are accumulated. This is expected to take place within one year.

Whereupon, motion was made by Commissioner Clyde Thompson that Emery County



pledge up to \$350,000 to the insurance reserve as discussed. Upon approval and review of the documentation, that County Attorney, Scott Johansen poll all three Commissioners before Commission Chairman Dixie Thompson be authorized to sign the agreement. Motion was seconded by Commissioner Mark Justice who also added that these funds be for one year and to be reviewed after that time. Motion was approved by all members present.

(13)

#### AMENDING TAX RATE FOR 1991 - RESOLUTION 7-17-91C

County Attorney, Scott Johansen reviewed by letter from Auditor, Karen Truman that because of the maintenance costs for the newly constructed Cleveland Library which had not been included in the 1991 budget, there was a need for the Commission to increase the tax rate to the maximum certified rate as furnished by the State Tax Commission. Therefore, Mr. Johansen presented Resolution 7-17-91C to adopt the following tax rates for 1991: County General Fund - .003200; County Library - .000302; Discharge of Judgment - .000262; Flood Control - .000206; and Assessing & Collecting - .000500 for a total levy of .004470.

Whereupon, after further discussion, motion was made by Commissioner Clyde Thompson to approve Resolution 7-17-91C amending the approved tax rate for 1991 as presented. Motion was seconded by Commission Chairman Dixie Thompson. Commissioner Mark Justice noted that as in the previous Commission meeting, he opposed any tax increase. Therefore, he would have to vote at this time in opposition. Whereupon, motion passed. (This is expected to produce \$83,000 in funds.)

(14)

#### OTHER BUSINESS

Road Superintendent Rex Funk advised the Commission that the Castle Valley Special Service District is having asphalt overlay placed on Center Street. He has contacted the contractor and for a cost of \$9,300 they will also pave the Road Department road and to the Sheriff's Department. He inquired if there was any objection to that. There was none.

(15)

#### COMMISSIONERS REPORTS

Commission Chairman Dixie Thompson:

- A) She advised the Commission that there has been a breakthrough with the Forest Service in regards to closing roads to the camping areas around Grassy Lake. She noted that she has received a call from Ira

Hatch and George Morris and they expressed an apology to the County for disrupting the roads and that they would redo those. She responded that she was elated.

- B) Bill Orton Visit: She advised the Commission as to the agenda for the Bill Orton Visit to take place this Saturday. She noted that two others expected to be there are Jim Hansen and Ronald Crittenden who will go out and view the Swell. She noted that there will be open meetings later that day.

Commissioner Clyde Thompson:

- A) He advised those present that he has received a complaint in regards to Bear Canyon Campgrounds in that there are tables still needing repair and the lawn appears to be very dry. Commissioner Mark Justice indicated that he would look into the situation.

Commissioner Mark Justice:

- A) He advised the Commission that in the last two to two and a half months the recreation projects as previously approved by the Commission are nearing completion. He noted that the Complex building is done and that he has done a final inspection. From the projects, (\$60,000 for the Huntington Ball Complex and \$15,000 at the High School ball diamonds) he expects to have some \$5,000 left over.
- B) He expressed appreciation in attending the NACO convention held in Salt Lake City. He also expressed appreciation in the public land issues which NACO is supporting, noting that they have a policy in keeping the federal lands open and available for ranching as well as keeping grazing fees at a reasonable rate. He noted that they are doing some very good things and suggested continuous support there. He expressed appreciation and suggested that the County do so by letter to Salt Lake County for the fine job which they did for the convention.
- C) County sponsored employee annual picnic. He inquired as to the practice of the County in regards to an annual County employee picnic. After discussion, he received approval of the Commission for him to proceed in organizing an annual picnic to possibly take place at the Bear Canyon Pavilion. He will report back to the Commission as to the progress.

(16)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at 12:10 p.m.

ATTEST

CHAIRMAN

ComMin8-7-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

August 7, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:00 p.m. who welcomed those in attendance.

The invocation was given by Commissioner Clyde Thompson.

A review of the agenda was made.

(1)

PUBLIC HEARING - AMENDING THE 1991 EMERY COUNTY BUDGETS -  
RESOLUTION 8-7-91A

Commission Chairman Dixie Thompson at this time opened the meeting for a Public Hearing to consider amendments to the Emery County Library Budget. Auditor, Karen Truman advised those present that this would increase the library budget from the \$351,988 to \$440,373 or a total increase of \$88,375. This increase is needed for the Cleveland Library and covers wages, benefits, books and maintenance. Presented was proposed Resolution 8-7-91A which reflects the library increase within the Emery County Revenue and Expenditure Budgets for 1991.

Whereupon, Commission Chairman Dixie Thompson inquired if there were any other comments. There being none, motion was made by Commissioner Clyde Thompson to approve Resolution 8-7-91A as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(2)

COMMISSIONERS MINUTES

The minutes of the July 3, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

In regards to the July 17, 1991, Commission meeting minutes, Commission Chairman Dixie Thompson advised those present that because of insufficient time to review those minutes, she asked that those be held for review at the next Commission meeting.

(3)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List # through and including # for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
53	Panasonic KX-E4020 Typewriter - District/Circuit Court	545.00	Approved
54	Pavement Breaker - Road	815.00	Approved
55	Tilt Deck Trailer - Road	13,027.00	Approved
56	Lowboy Trailer - Road	24,092.00	Approved
57	Television with Built-in VCR - Sheriff	500.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Warrant/Check Edit List for payment and approve all requisitions for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(4)

RE-APPOINTMENT OF LES JONES TO SERVE ON THE ADVISORY COUNCIL  
ON AGING AND  
NUTRITION

Commissioner Mark Justice advised the Commission that Maughan Guymon has recommended the reappointment of Les Jones of Huntington, Utah, to serve again on the District 7A Advisory Council on Aging and Nutrition. He noted that Mr. Jones has done an outstanding job. Whereupon, motion was made by Commissioner Mark Justice to approve the reappointment of Mr. Jones as recommended. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### PERSONNEL ITEMS

A) Resolution 8-7-91B and 8-7-91C - Personnel Director, Pat Snowball presented two Resolutions to the Commission for their consideration. Resolution 8-7-91B and 8-7-91C. She pointed out that in regards to residency the County has a policy in the hiring where consideration is first given to County tax payers and no other policy as to continued residency when they become career service employees. Therefore, the Resolution 8-7-91B would amend section V of the Emery County Personnel Policy to expand that once hired, they will remain residents of the County. Resolution 8-7-91C amends section XIV of the Personnel Policy and adds subparagraph B(14) wherein violation of Section V may subject the employee to immediate dismissal. Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolutions 8-7-91B and 8-7-91C regarding residency as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

B) Resolution 8-7-91D - Personnel Director, Pat Snowball advised the Commission that previously the Commission adopted a Resolution setting the maximum Comp Bank hours at 80. This was done in December, however, a Resolution was never adopted which would allow amending of Emery County Personnel Policy. At this time, Commissioner Mark Justice inquired as to the benefits and that possible consideration needs to be given with doing away with the Comp Bank. He questioned the possibility as to whether this was feasible and practical at this time. After further discussion, motion was made by Commissioner Clyde Thompson to approve Resolution 8-7-91D which amends the Emery County Personnel Policy to reflect the 80 hour Comp Bank. Motion was seconded by Commissioner Mark Justice with the understanding and by all that a study be done to look at the feasibility of establishing a Comp Bank of zero and this be considered as an agenda item at the next Commission meeting. Motion was approved by all members present.

C) Personnel Requisition Forms - Personnel Director, Pat Snowball presented three Personnel Requisition Forms to the Commission for consideration:

- 1) Deputy Clerk in the Clerk's office working 20 to 39 hours per week to fill the position left vacant by the resignation of Peggy Anderson effective August 14, 1991;

- 2) Janitor in the Huntington Library; and
- 3) Road Operator II in the Road Department to fill the position left vacant by the resignation of Randy Menser effective August 5, 1991.

Motion was made by Commissioner Clyde Thompson to approve the Personnel Requisition Forms as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

D) Jeffery John Cowley-Sheriff's Office - Presented was the Personnel Action Form for Jeffery John Cowley to be reclassified as a Certified Deputy he having completed POST. Therefore, be reclassified from a Dispatcher at a Grade 9, Step 1 to a Certified Deputy at a Grade 11 Step 1 or a salary of \$1,854.00. Effective date is August 1, 1991.

E) Library Employees - Presented were Personnel Action Forms for the following individuals to bring them into compliance with the minimum wage requirements with an effective date of April 1, 1991:

- 1) Lori Brady of the Elmo Library to be paid \$175.66 per month;
- 2) Victoria Lee Hansen of the Cleveland Library to be paid \$175.66 per month;
- 3) Mary F. Thomsen of the Ferron Library to be paid \$175.66 per month;
- 4) Celena Guymon of the Huntington Library to be paid \$175.66 per month;
- 5) Rita Miles of the Orangeville Library to be paid \$207.54 per month (includes yard work);
- 6) Laree Dye of the Castle Dale Library to be paid \$207.54 per month (includes yard work);
- 7) Janet Keele of the Green River Library to be paid \$207.54 per month (includes yard work); and
- 8) Debra Sue Jolley of the Emery Library to be paid \$207.54 per month (includes yard work).

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Personnel Action Forms for Jeffery John Cowley and the Library Janitors as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

F) Resolution 8-7-91E - Commission Chairman Dixie Thompson presented to the Commission for their consideration Resolution 8-7-91E wherein Emery County adopts English as the official language for Emery County, noting some of the benefits. She asked for comments from those present. There being none, motion was made by Commissioner Clyde Thompson to approve Resolution 8-7-91E as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(6)

#### EMERY COUNTY BALL COMPLEX PAVILION CONTRACTS

Commissioner Mark Justice advised those present that he has received bids from Western Trend Homes of Ferron for the construction of four canopies over the existing bleachers at the Emery County Softball Complex in Huntington and for a pavilion also at the same location. He noted that this is part of the projects from funds originally approved and it would be his recommendation and motion that the Commission approve the same. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(7)

#### SECURED LOAD STATUTE ENFORCEMENT

Commission Chairman Dixie Thompson recognized the large number of people in attendance at this time to discuss the problems with trucks hauling material and losing debris, cracking windshields, chipping paint and other damage. Amongst those concerns expressed were that the trucks are traveling too fast particularly in the canyon areas. She noted that this is a safety concern and that petitions are being circulated. She further read from the Utah Code that covers are not specified, but that loads must be contained. That under present Statute, increased monitoring by the S.O. is the only way to reduce spillage.

Sheriff, Lamar Guymon responded in that the citation that would be issued to the driver who does not have control over the loads rather than the trucking company. It was suggested by those in attendance the possible use of codes on the back of the trucks to help identify the responsible companies. Recommended was that a Resolution or Ordinance be adopted which requires that a tarp be placed over the loads.

County Attorney, Scott Johansen advised the Commission that they can adopt an Ordinance which is more restrictive than the Utah Code if they so desire. Sheriff, Lamar Guymon advised the Commission that the Utah Highway Patrol primarily enforces traffic violations in that area and it would be his recommendation that the Commission contact them, asking them to increase their enforcement. He indicated he will do the same within the Cities and those

boundaries in which he primarily patrols.

Commission Chairman Dixie Thompson advised that she will write the local carriers and construction companies in making them aware that the Commission would be giving this further consideration. She asked County Attorney, Scott Johansen to draw up an Ordinance for consideration at a later time. It was pointed out by Commissioner Mark Justice and others in attendance that consideration and input is needed from the companies and haulers.

Therefore, it was the consensus of the Commission and those present that a Public Hearing be set for September 3, 1991, at 6:00 p.m. Commission Chairman Dixie Thompson will work with the local mines personally.

(8)

#### SALLY ATWOOD - ROAD PAVEMENT REQUEST

Sally Atwood of Elmo came before the Commission regarding the road in front of her home. She submitted to the Commission a petition with signatures who support the paving of the road in front of her home to Highway 10, noting that it has served as a bus route for 10 years with five bus trips daily. She discussed previous accidents, noting that it is impossible to travel parts during severe wet times and she felt that she had earned the right to have it paved. She indicated that it has created such a dust problem that she is unable to hang her laundry outside as well as other related problems. She further noted that the traffic has greatly increased the last few years, noting that speed and livestock signs have been posted by the Road Department, but have not improved those concerns.

Commission Chairman Dixie Thompson advised that the monies were not in this year's budget. She has visited the area and suggested that consideration be given to the Special Service District who presently is looking at school bus routes. She indicated that she did observe gravel on the road and that paving the road would increase the rate of speed at which people travel it and would not necessarily improve it for the safety of the children. She further advised that with her conversations with Road Superintendent Rex Funk, that the County has had a policy to keep dirt roads as dirt roads. As for asphalt, they are more costly to maintain.

She would like to look further at the maintenance costs for a ten year comparison on the asphalt and dirt roads.

It was further inquired of County Attorney, Scott Johansen who serves as legal council for the Special Service District as to the goal of the Special Service District in oiling all school bus routes.

County Attorney, Scott Johansen advised that the Special Service District's consideration is improving all bus routes, but does not necessarily mean that



they will be paved.

Commissioner Mark Justice expressed appreciation to Mrs. Atwood in attending the Commission meeting and encouraged her to pursue the matter further.

(9)

#### COMMISSIONER'S REPORTS

Commissioner Mark Justice:

A) He expressed appreciation to Commission Chairman Dixie Thompson and those involved with the Emery County Fair and to the good things that he saw happening and the improvements made this year.

B) He inquired of JoAnn Behling as to the State Tax office addition in the lobby of the Courthouse.

Commission Chairman Dixie Thompson:

A) She reported that she attended a six-county meeting with the Governor in regards to mineral lease monies and those amounts going to the State Economic Office. Wherein, that Department head is negative and does not support Economic Development in rural Counties and has refused to look at rural needs. Those Counties involved were: Emery, Uintah, Carbon, San Juan, Grand and Sanpete.

B) In regards to the Emery County Fair, she noted that because of advertising, they had more people here and for a longer period of time.

She noted that those people here were thrilled with the County hospitality shown. She recognized Dan Whiteleather as the County Fair Chairman.

(10)

#### CASTLE DALE CITY FIRE TRUCK ENGINE

Sheriff, Lamar Guymon advised the Commission that Castle Dale City fire truck engine needs to be replaced at a cost of \$14,000 and asked on behalf of the City if there was any help that the County could give. Commission Chairman Dixie Thompson asked that Commissioner Mark Justice review the matter and advise the Commission.

(11)

#### CLOSED HEARING

Commission Chairman Dixie Thompson made a motion at this time to meet in executive session at 7:49 p.m. to discuss possible litigation. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(12)

MEETING ADJOURNMENT

Whereupon, no other matters were to be discussed in regular Commission meeting, Commission Chairman Dixie Thompson adjourned the meeting at 8:40 p.m.

ATTEST

CHAIRMAN

ComMin8-22-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

August 22, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:00 p.m.

The invocation was given by County Attorney, Scott Johansen.

A review of the agenda was made.

(1)

PUBLIC HEARING

Commission Chairman Dixie Thompson opened the meeting at 6:00 p.m. for a Public Hearing. The Public Hearing is to consider the Emery County General Fund and Library Fund proposed increases in property tax revenue of 4.1% and to increase the total budget by 4.4%. The hearing is also to consider the Castle Valley Special Service District proposed increase in property tax revenues by 8.1%, increasing its total budget by 1.2%. Commission Chairman Dixie Thompson welcomed those people in attendance at this time. Those present were the following: Darrel Leamaster, Oral E. Johansen, Hal Guymon, Mack Bunderson, Carol Ware, Rue Ware, Harold Strong, Mary Jensen, Glenna Sasser, Stan Jensen, Michael Cox, Lavon Day, Marianne Day, James Fauver, Kent Wilson, James Majors, Chester Brasher, Lee Lemmon, Robert Huggins, Leslie Bolinder, Pat Snowball, Rex Funk, Rick Boyle, Zen Majors, Scott Barney, Don Snow, Evan Johnson, Bob Grim, Roy Smith, Joan Smith, Jean Morlan, Don Morlan, Lilly Harrington,

Larry Harrington, Jay Humphrey, Mark Humphrey, Dean Behling, JoAnn Behling, Ina Lee Magnuson, Ross Huntington, Lamar Guymon and Karen Truman.

Whereupon, Commission Chairman Dixie Thompson asked that County Attorney, Scott Johansen; Auditor, Karen Truman and Special Service District Manager, Darrel Leamaster give a brief overview as to the need for the tax increases.

County Attorney, Scott Johansen pointed out that there were three main reasons for the increase as noted on the tax notices as follows:

The first reason is because the legislature had authorized in previous years a 20% reduction to homes and businesses. That was contested by the utilities and the railroad, in which they won. Therefore, the legislature repealed the 20% reduction and that is reflected on the tax notice.

The second reason is that Pacific Corp had appealed its 1989 and 1990 taxes to the Tax Commission. A portion of those taxes have been repealed and the County has been ordered to pay that portion back. He further pointed out that this is a one-year obligation only.

The third reason is that the valuation of Utah Power and Light which pays 90% of the taxes in Emery County is down over \$200,000,000 while it was increased in other areas throughout the State. He noted that the County has found some corrections, but they cannot be made in time for taxing purposes this year.

Auditor, Karen Truman provided to those present a handout which shows the total 1991 County property tax as collected, as compared to 1990, is down \$920,418.77. She further provided to those present a comparison of property taxes in various communities throughout the County on a typical home and business. She concluded by providing a 1991 budget trail reflecting the original adopted budget for the 1991 budget as amended on January 2, 1991, and the proposed amended budget of August 7, 1991. This includes both revenue and expenditure.

Special Service District Manager, Darrel Leamaster presented information to those present in regards to the UP&L refund of taxes and interest for the years 1989 and 1990 in the amount of \$256,317. He noted that these also were as a result of those reasons County Attorney, Scott Johansen previously stated. Therefore, he had little to add, other than the increases on home owners and business owners property taxes are as a result of the refund of taxes, AMAX and the decrease of valuation which dropped some \$208,000,000 for the County and State assessed values dropped \$215,473,000. He emphasized that the increases in the property taxes are not a fault in local government. Fol-

lowing an inquiry of Dean Behling, Mr. Leamaster responded in that those amounts on the tax notice as a Pacific Corp refund tax are a one-year tax only.

At this time, Commission Chairman Dixie Thompson expressed that the Commission is presently doing all they can to rectify the decrease in State-assessed properties. They are taking those back to the Tax Commission, but that will not help this year. She then opened the meeting up for public comment.

Darrel Leamaster was asked to respond in regards to the 1988 surplus. He pointed out that this was in a special account and is set aside to make the final 1998 payment on their indebtedness.

Road Superintendent Rex Funk, in responding to a question regarding the paving of the road to the Hunter Wash Plant, indicated this was a result of an agreement with Utah Power and Light in exchange for property at the airport by the previous Commission.

Kent Wilson, of Huntington, inquired of the County's slush funds as well as the Special Service District. County Attorney, Scott Johansen responded in that presently the County has \$7,000,000 in a Tax Stability and Trust Fund which cannot be spent without voter authorization. He also indicated that the County has a fund balance of \$2,000,000 which is primarily used for cash flow. He discussed reasons why the funds were as such and were not being used to pay off the refund to UP&L. The way the Commission is presently proceeding, Pacific Corp would pay \$.90 on every dollar which we would have to give back.

Commissioner Mark Justice at this time responded also that this has been a value judgment and the Commission has determined how much to keep in reserve. He solicited public input as to what they felt was adequate.

Commission Chairman Dixie Thompson further discussed the reasons for keeping sufficient reserves in that the Scenic Rivers Act Legislation could possibly close coal mines and power plants. Also, the OSM permits on coal haul roads could shut down coal mines and any such action would devastate the taxing ability of the County.

Auditor, Karen Truman in responding to a question, pointed out that according to State Statute, the County is allowed to have equivalent to one year's property taxes in the fund balance. She noted that current Auditor's feel comfortable in having one-half of that amount or the approximate \$2,000,000 presently there.

Also discussed were the budget amounts and where they came from.

Kent Wilson further expressed opposition to the continued flood tax, noting that the County has been in a drought for the last seven years.

Ross Huntington, of Castle Dale, also expressed to the Commission and those present his frustration and feeling that as taxes go up and his paycheck goes

down. He indicated that he would not support any candidates who support a tax increase.

Auditor, Karen Truman at this time, together with Commission Chairman Dixie Thompson reminded those present that they are invited to attend the budget hearings, indicating which services they would feel need to be cut or increased.

Ken Thompson, of Orangeville, indicated that a number of calls Dixie receives are individuals requesting increased services.

Assessor, James Fauver briefly discussed personal property and how automobiles would be taxed in the future.

County Attorney, Scott Johansen responded to comments of the total taxes the County would be responsible for. He indicated that the County is responsible for 15% of the total tax, the Castle Valley Special Service District for 15%, approximately 60% is School District and the remainder to the Cities. Also discussed by those present was the possible future tax protests by Pacific Corp.

At this time, Mr. Eugene Johansen, speaking for the Emery County Water Conservancy District pointed out that their taxing ability comes from the Legislature. He noted that they presently assess 70/100 of a mil and that they, too, because of the 1989 and 1990 UP&L have to make a refund in the amount of \$13,645. Therefore, as a result of an emergency refund, they have asked for a 7.18% increase to make that refund. They also advised those present that the Emery County Water Conservancy District is made up of Board Members Wayne Staley, Tracy Behling, Clyde Conover, Mark Humphrey, Hal Guymon, Kay Jensen, with Mack Bunderson as Attorney and Jay Mark Humphrey as Administrator. He asked for any further questions. In responding to a question as to whether this would also be a one-year tax, he noted that the refund to UP&L is a one-year thing. However, because of upcoming inspections and requirements on dams they very possibly will be required to assess additional amounts in future years.

Commission Chairman Dixie Thompson inquired if there were any other public comments. There being none, she closed the Public Hearing at 7:24 p.m., recessing for five minutes.

The regular Commission meeting reconvened at 7:32 p.m. with all members present.

(2)

RESOLUTION 8-22-91A - DECLARING EMERGENCY FOR 1991 TAX INCREASE FOR THE CASTLE

## VALLEY SPECIAL SERVICE DISTRICT

Special Service District Manager, Darrel Leamaster presented to the Commission for their consideration Resolution 8-22-91A. He noted that a portion of tax revenues received by the Castle Valley Special Service District for the years 1989 and 1990 have been ordered by the State Tax Commission to be refunded to a protesting tax payer. Because the District does not have funds to make the ordered refund, they have, therefore, requested of the County Commission under State Statute, to declare an emergency based on the anticipated order to allow the District to exceed their certified rate. Mr. Leamaster pointed out that this Resolution has passed the Castle Valley Special Service District Administrative Control Board. Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 8-22-91A as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(3)

## FERRON BRIDGE REPLACEMENT

Special Service District Manager, Darrel Leamaster came before the Commission requesting County participation in the replacement of the bridge of 400 West in Ferron City which crosses Ferron Creek. He further pointed out to the Commission that it is in the County boundaries. He indicated that a maintenance exchange was set up with the previous Commission. Wherein, the Special Service District has maintained certain roads in and around Ferron in exchange for the County maintaining other roads. Since the Bridge has washed out, there is a need to replace it with the estimated cost being \$100,240. He noted that this is somewhat higher than previously anticipated because of the addition of the sidewalk. His request of the Commission was participation up to 50%. He further discussed the reasons for going with the proposed bridge type. Whereupon, motion was made by Commissioner Clyde Thompson that the County participate up to \$50,000 on the project. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(4)

## MIKE COX - STATEMENT ON PROPOSED TARP ORDINANCE

Mr. Mike Cox addressed the Commission in regards to a proposed tarping Ordinance. It was his concern that most damage caused to vehicles in his experience is a result of debris and road hazards being flipped into incoming traffic. This, too, is not just caused by trucks, but many times by other vehicles. He further pointed out that his company also transports other commodities and because of their densities many times do not fill half-way up the truck. Therefore, these represent no problem. He felt that if the Ordinance was enacted, it would increase the cost of the commodities and those costs would be passed on to the citizens. He noted that the problem in transportation is enforcing a load control State Ordinance. He feels that carriers are

fulfilling their responsibilities. Such an Ordinance would be detrimental to the County. He further emphasized that they need to be fair for all carriers and that it be given further consideration.

The Commission asked Mr. Cox to submit his statement in writing so that it may be read in the upcoming public hearing on September 3, 1991, for public input on the tarping Ordinance. The Commission expressed appreciation for him being in attendance, recognizing that he will be absent at that public hearing.

(5)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #912630 through and including #912828 for payment. The following requisition was presented for Commission consideration:

Req. #	Item and Description	Amount	Action
57	Computer and Printer for Time Keeping - Sheriff	2,300.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the Warrant/Check Edit List for payment except for the overweight citation for the Road Department in the amount of \$900 and that it be referred to the County Attorney's office for further consideration and to approve the requisition for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(6)  
RESOLUTION 8-22-91B

Auditor, Karen Truman presented to the Commission for their consideration Resolution 8-22-91B which amends the 1991 Emery County Revenue and Expenditure Budgets as presented. Motion to approve the same was made by Commissioner Clyde Thompson, seconded by Commissioner Mark Justice and approved by all members present.

(7)  
CLOSURE OF ELECTRIC LAKE TO FISHING AND WILDLIFE CROP LOSSES IN EMERY COUNTY

Commissioner Mark Justice in the absence of Chester Brasher, pointed out that Mr. Brasher would have been here to address the Commission in regards to wildlife resources and the recent closure of Electric Lake to fishing. He noted that it was done improperly and should have allowed local entities in

the decision making process. He further pointed out that there is also a disagreement between the Division of Wildlife Resources and local farmers as to actual crop losses within the County. Therefore, he requested that Commission Chairman Dixie Thompson write a letter to the Division of Wildlife Resources expressing the County's concern in the closure of Electric Lake to fishing without input from local governing entities. He also asked that the Commission offer their office as arbitrator in resolving the crop loss issues with Wildlife Resources in an effort to settle those disputes.

(8)

#### RECREATION AND FIRE SERVICE DISTRICTS FOR EMERY COUNTY

Commissioner Mark Justice suggested that the Commission begin the process of advertising for a public hearing and receiving public input as well as input from taxing entities in regards to the creation of County Recreation and Fire Service Districts. He pointed out that this would be a source of revenue. He noted that Community Impact Board funds would be available, but at the present he does not consider it as a taxing entity, although they could. Such districts would help in the soliciting of grants and loans and lower tax rates. It would further unify the County like the Library fund has, wherein better services have been provided throughout the County. It was, therefore, his recommendation and motion to proceed. Motion was seconded by Commissioner

Clyde Thompson with the suggestion that Mr. Justice prepare an article for the paper as to the proposals so that they may receive proper public comment during the Public Hearing. Motion was approved by all members present.

Commissioner Mark Justice in responding to a question posed by Dean Behling pointed out that it is not the intent to replace the present organizations. But this is the vehicle for obtaining grants for the purchase of vehicles, equipment, etc. Also suggested was that Pacific Corp be contacted to solicit their support.

(9)

#### REQUEST FOR DONATIONS

Commissioner Mark Justice pointed out that throughout the year the County has been solicited numerous times for various amounts of funds for many worthy causes. He noted that it has been the policy up to now not to fund requests. However, he felt that in a limited manner they would like to assist individuals coming to the County and that this be considered in the next year's budget.

(10)

#### BUSINESS LICENSE APPROVAL

Economic Development Director, Bryant Anderson presented to the Commission for their consideration a business license application from Kirk Grant Nelson.



This would be an archery sales, range, taxidermy, fur and breeding stock business under the name of Lost Canyon located in Ferron, Utah. Whereupon, motion was made by Commissioner Mark Justice, seconded by Commissioner Clyde Thompson and approved by all members present to approve the business license application for Kirk Grant Nelson as presented.

(11)

#### DISPOSAL OF LAW LIBRARY SUBSCRIPTIONS

County Attorney, Scott Johansen requested approval of the Commission to cancel certain law subscriptions which are not extensively used by his office. He pointed out that it costs approximately \$7,000 per year to keep them updated. Whereupon, motion was made by Commissioner Mark Justice to approve the County Attorney's request as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel Action Forms for Commission consideration:

A) Huntington Library Janitor - Presented was the Personnel Action Form for Sharon Rasmussen to be hired as a Janitor at the Huntington Library to be paid at the rate of \$175.66 per month, working 10 hours per week. This position does not include yard work or benefits. Effective date is August 19, 1991.

B) Road Department-Operator - Presented was the Personnel Action Form for Hank Medford to be hired as a Temporary Operator in the Road Department at the rate of \$9.00 per hour. This is a five-month position. Effective date is August 22, 1991.

C) Clerk's Office-Part-Time Clerk-Marcee Wright - Clerk, Bruce Funk expressed that the position being filled is a Deputy Clerk and as such is a Grade 5, Step 1. This to fill the position previously held by Peggy Anderson originally on that level. He expressed concern that if the position classification was changed to that of an Office Specialist at a Grade 3, Step 1, they would be working outside their Job Description. Mrs. Snowball suggested that the Commission consider making the position as an Office Specialist as having been done in the Treasurer's office for other part-time employees.

After further discussion, motion was made by Commissioner Mark Justice to approve the Personnel Action Forms as presented with the exception of the Deputy Clerk. His motion was that it be made as an Office Specialist for the time being in order to allow the filling of that vacancy in the Clerk's office and to give it further consideration later as to the classification and base

scale. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Road Superintendent Rex Funk also requested that further clarification be given to Road Department Part-Time employees.

(12)

#### SOLID WASTE PLAN CONTRACT

Presented to the Commission for their approval was the contract between the Community Impact Board and Emery County. Wherein, funds in the amount of \$11,810 are provided to Emery County. Whereas Emery County on or before December 1, 1992, submit a County Solid Waste Management Plan to the Utah Department of Environmental Quality Solid and Hazardous Waste Control Board for acceptance. He further pointed out that this is Emery County's share of the original \$400,000 provided by the State for solid waste development plans. It being proportioned out by population.

Whereupon, motion was made by Commissioner Mark Justice to accept the contract with the Community Impact Board for this fund as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(13)

#### HUNTINGTON AIRPORT - BLM LEASE RENEWAL

County Attorney, Scott Johansen reviewed with the Commission the Lease Agreement as prepared by the BLM for property occupied by the Huntington Airport. He noted that it is a 20-year lease at a cost of \$100 per year for the next five years. Whereupon, motion was made by Commissioner Clyde Thompson to approve the lease agreement as prepared. Motion was seconded by Commissioner Mark Justice and approved by all members present. Commission Chairman Dixie Thompson signed the same and returned it to Scott Johansen for submittal to the BLM.

(14)

#### COMMISSION MINUTES

The minutes of the July 17, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as amended. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Commission Chairman Dixie Thompson requested the minutes of the August 7, 1991, Commission meeting be held until the next meeting to allow sufficient time for review.

(15)

#### COMMISSION REPORTS

Commissioner Clyde Thompson:

1. He pointed out that he has recently met with the Museum Board in Green River. They now have animated figures there on display.
2. In regards to the exchange of State lands as having been previously discussed in Commission meetings, he noted that the State is backing off those. Those exchanges would detrimentally effect Emery County as to Mineral Lease funds.

Commissioner Mark Justice:

1. Sheriff's Department Employees Compensation - He reviewed concerns within the Sheriff's Department wherein employees had not worked the required 160 hours, but had taken comp time. In addition had worked the alcohol shift as well as been participants on a movie set. The employees believed that they would receive payment for that work, but have since been advised that they would not receive compensation. County Attorney, Scott Johansen pointed out from the legal aspect that they don't get paid for hours not worked under 160. He inquired of the Commission as to whether they desired to amend the previous Resolution by issuing a one-time Resolution for this situation in fulfilling the Commission's desire at this time for financial reimbursement.

It was the consensus of the Commission that the County Attorney's office draft an amended Resolution to pay the employees in the next pay check, provided that they are allowed to do so based on agreement by the insurance carriers.

(15)

#### MUSEUM BOARD BANQUET-LEE STOKES

Commission Chairman Dixie Thompson informed those present that the Museum Board will be holding a banquet to honor Dr. William Lee Stokes of Emery County wherein a wing of the Museum will be named after him and as a result of his accomplishments. This is being set for September 21. Dr. Stokes is a highly respected and note worthy citizen of Emery County.

(16)

#### ATTORNEY'S BUSINESS

A) Insurance Commission - County Attorney, Scott Johansen advised the Commission that the Insurance Commission has rejected the reserve funds as originally pledged by Emery County because of too many strings. However, they will prepare and resubmit it to the Commission for further consideration.

B) Bond Refunding - In regards to the refunding of Bonds, Mr. Johansen asked the Commission to consider authorizing Commission Chairman Dixie Thompson and the Clerk to sign blank bonds used by bank in exchange for previously held and converted Pollution Control Bonds. Whereupon, motion was made by Commissioner Clyde Thompson to authorize the Commission Chairman and Clerk to sign the same. Motion was seconded by Commissioner Mark Justice and approved by all members present.

C) Pacific Corp and AT&T Refund Request - Mr. Johansen advised the Commission that he has received a request from the parties asking for a refund to those parties and what method we would be making it. He asked that the Commission possibly consider the AT&T refund from the Collector's Account.

(17)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at ???

ATTEST

CHAIRMAN

ComMin9-3-91

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

September 3, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:00 p.m. who welcomed all in attendance.

The invocation was given by Commission Chairman Dixie Thompson.

(1)

PUBLIC HEARING - TARPING - SECURING LOOSE LOAD MATERIALS

Commission Chairman Dixie Thompson opened the meeting at 6:08 p.m. for a public hearing concerning the consideration of an ordinance requiring tarping of trucks hauling loose material or enforcement of the secured load statute.

The following individuals in attendance at this time FOR the tarping ordinance wishing not to speak were: Randall Stilson; Steven Thornton, from UMWA Local 2176; Victor Staley, UMWA Local 2176; Zen Majors; Eric Anderson; Andrew Sorensen; Don Morlan, County Road Department; Ken Thompson; Joe Manzanares; Rod McNee; Steve McNee; Deane Foote, Mission San Rafael; Peggy Foote; Kelly Austin, Jim Majors; Rick Miller and one other whose signature was unidentifiable.

The following individuals in attendance at this time AGAINST the tarping ordinance wishing not to speak were: John Wickman, Sinbad Construction; Richard Diamond, Nielson Construction; Thomas Allen, Nielson Construction; Kevin Peacock, Nielson Construction; Claude Bell, Nielson Construction; Blake Webster, Pacificorp; Ralph Weaver, Jack B. Kelley Trucking; Ed Waite, Jack B. Kelley Trucking; Dick Christensen, Nielson Construction; Mike Johansen, Nielson Construction; Travis Livingston, Nielson Construction; David Hardy, Nielson Construction; James Sherman, Nielson Construction; Dan Pulli, M&P Enterprises; Mac Mills, M&P Enterprises; Mike Barnes, Nielson Construction; Richard Childs, Nielson Construction; Milt Wiseman, Nielson Construction; Craig Keisel, Nielson Construction; Kimball Rasmussen, Nielson Construction; Kolleen Tucker, Nielson Construction; Vaughn Guymon, Nielson Construction; April Riley, Nielson Construction; and Scott Barney, Emery Recycling.

Those requesting to speak and their comments are as follows:

Thayne Cox, Nielsen Construction - He asked that this matter be studied and researched further. He noted that damage is caused by loose material on the outside of the truck falling off. He further pointed out that as estimated by Nielsen Construction, it would cost them about \$20,000 to tarp their trucks and would be an expense passed on to the citizens of Emery County. If the problem is that of coal blowing out of trucks and causing the damage, their loads need to be kept down. Included was that it would hurt the business more than help the problem.

Drew Black, Nielsen Construction - He pointed out that on roads intersecting Highway 10, much of the loose material is tracked onto the highway by dirt and gravel roads and damage is caused by those materials being flipped up by the tires.

Commission Chairman Dixie Thompson at this time pointed out to those present that the proposed ordinance is available and that the County can make it to cover any situation and can be made more or less restrictive as needed.

Allen Alexander, Savage Industries - He expressed his feeling that most of the windshields are broken from debris being flipped from the road rather than

from blowing out of the trucks. In regards to the ordinance, he suggested that problems be identified and deal specifically with those problems. He also expressed concern in the interstate traffic. He indicated it would be impractical for them to tarp when passing through the County. He further pointed out that conventional tarping itself is unsafe. Most coal debris coming off the truck is caused by wind. He further indicated that in the Los Angeles area, that his company does use a dome to cover trucks and asked that the Commission consider these and other options before making a final decision. He felt it was not the way to go. He committed to work with the County and share ideas and discussed further those states and counties where they do cover, such as Aspen, Colorado. He had no information as to the percentage of windshield claims that they pay.

Dee Jense, Pacificorp - He inquired of the Commission if this was an environmental or a windshield issue, pointing out that it was the desire of Pacificorp to keep the environment clean on coal haul roads. He further pointed out that there is technology available now to assist and they are willing to work with the County in solving the problem.

Tim Simmons - Mr. Simmons expressed appreciation to the Commission for them receiving input from the motoring public. He pointed out that in seventeen years of traveling Highway 10, he is aware of numerous broken windshields and property damage. One of his main concerns is the public safety. He pointed out an instance where a window was rolled down and a child in the back seat was hit by debris coming from off a truck. He further emphasized that this presently is a great expense to the public and that if all costs were totaled, that one would be dumfounded. Many public drivers have received insurance cancellations. There isn't anyone he has talked to that has not received either windshield or other damage to their vehicles. He further pointed out that there is also an environmental concern. In the Huntington Canyon area, coal is accumulating. In such a scenic area this is an environmental tragedy. If something is not done, the environmental groups will take action. He further pointed out that Grand and San Juan Counties had a tarp ordinance on those vehicles hauling uranium products and they got compliance.

John Tatton, Savage Industries - He reiterated what Allen Alexander stated to the Commission. He recommended that they would like the Commission to look at other solutions rather than a heavy tarp as indicated in the ordinance. He expressed a willingness to work with the Commission in resolving the concerns.

Joe Young, Jack B. Kelley Trucking Company - He pointed out that they will tarp if a tarp law is required. He indicated that they pay 70% of the claims for windshields. Many of those claims are on trucks which are coming back unloaded. He would like the Commission to look at the matter further.

Valerie Pierce - She indicated that there is a serious problem with the coal trucks hauling between Carbon and Emery Counties. As a result of loading too high, they are causing damage as well as environmental concerns. She cannot find one person who has not yet received damage or personal injury. She

expressed concern in the amount of coal along the sides of the highway which extends as far as 50 feet from the edge. She has found some locations with coal as much as six inches deep, some also containing large chunks. She also read from the Utah Code, Section 41-6-18(40), Tarping Ordinance and 27-12-146, pointing out that it is clear that the law requires that loads be contained. It is evident by the coal along the highways that it is not being complied with. Many times drivers react to the coal hitting their automobiles, causing them to swerve, which could cause further accidents. She presented to the Commission petitions containing 1,790 signatures of residents in both Carbon and Emery Counties who support the strict enforcement of the present Statutes or require a tarping ordinance. These people basically want the problem taken care of. In responding to questions from Commissioner Justice, Mrs. Pierce told of attempts to process claims for damage, noting that to date, one is still unresolved. In response to a question in regards to whether it would be better to enforce the present statute or have a tarping ordinance, she indicated the tarping ordinance was good and many of the people signing the petition felt the same way.

Brent Pierce - He indicated that was strongly in favor of such an ordinance and is tired of the problem and wants the trucks covered. He expressed concern over individuals being cut off from insurance because of the number of claims submitted. It is time to protect the people of Emery County in making it safer. He pointed out that there is a variety of types of covers for trucks rather than drivers being required to climb up and install them manually. Some companies comments after damage is "sue me" and that as small individuals, they cannot fight a large company.

Vick Staley - He indicated he was in favor of this type of law. He is tired of seeing vehicles and kids hit and that this is a good start. Most of the people at Wilberg are for the tarp Ordinance.

Guy Black, Nielsen Construction - He emphasized to the Commission that they need to establish whether this is a coal or an environmental problem. Tarping would include pickups and other construction vehicles. He noted that his company makes 25 to 30 trips per truck per shift and that road base and drain rock does not present a problem. Because of travelling on dirt and loose material roads. Much of the debris is accumulated on the suspension. As the gravel approaches from the suspension or is tracked onto the highways, it is then flipped up by the tires. This problem is increased when it rains. Such an action by the Commission would be unfeasible and economically detrimental to the County. He further pointed out that Nielsen's pay a lot for windshields. He again emphasized that the County needs to decide the issue. Their present equipment has no capacity to cover other than the use of tarps. The Commission at his request acknowledged receipt of a letter from Wayne Wilberg. Mr. Black concluded that other hazards are a result of the truck gates leaking the material onto the highways.

Tom Humphrey, Orangeville City and Nielsen Construction - He pointed out that he has loaded all types of material and that if loaded correctly there would not be the problems. He further pointed out that in the trucks hauling coal from Genwal, he has observed that they are high and over the sideboards. Those, as well as any other truck loaded improperly, spill material coming around the turn into Orangeville. He indicated that he would like to see the Commission go slow. He reviewed briefly a meeting with the Commission, himself and the Utah Department of Transportation on August 29. Wherein they emphasized the difficulty enforcing the present statutes because of the vagueness. He suggested that the State of Utah draft a tarping ordinance that can be enforced.

Tom Grimm - He noted that he hauls garbage from the mine sites for Nielsen Construction. Many times lumber, tree limbs and other debris are on the highways and many times that is worse than coal and gravel. He further pointed out that such a law would reach all vehicles hauling materials. He mentioned that many claims being made on the carriers are fake and many people are abusing the situation.

Angela Almond - She told of an experience where her new car received damage on her first trip to Castle Dale from a Nielsen Construction Company truck. She indicated it was replaced after a couple of months. Five days later a coal haul truck sprayed the vehicle. She noted that the original rock was not flipped up, that she saw the rock and materials actually coming off the truck. Now her paint is pitted. Many times she drives on the shoulder to avoid oncoming trucks. Something needs to be done and such a tarp law sounds good.

Joe Manzanares - He advised the Commission that on a windy day that there is material flying off from all types of trucks and that the County has got to do something.

Rod McNee - He indicated that he rides a motorcycle. Truckers cannot pass the blame. Coal is many times sixteen to eighteen inches above the filling limits of the truck. Debris blows off the trucks and hits the motorcycle riders and someone will get killed. In his twelve years he has been in Emery County, he has replaced approximately one windshield per year. He noted that he cannot turn all of those in to insurance. If they were all turned in, he could not afford the insurance. He indicated that a resident of Emery County cannot afford something nice and drive it on the road because of the coal. The Commission has got to start someplace.

Commission Chairman Dixie Thompson recognized the public concern by the number in attendance. She pointed out that the present laws are not enforceable and that has been acknowledged by UDOT. The State may take additional action, possibly as a result of the efforts of Emery County and this public hearing. She indicated that the environment is a concern as the County has a lot at



stake. The environmentalists know we are here. Currently, OSM who is asking to take over DOGM on the permitting of State roads does have the potential of shutting down coal mines in the area. She noted three coal mines which have received violations from OSM and that the next order could possibly be a cease and desist order. The environment is definitely a concern. Emery County needs to be proactive in cleaning up the areas and maintaining the environment.

She pointed out that as to damages and losses, someone is presently footing the bill for those costs. She reiterated a situation on Highway 29 in which gravel was left on the roadway some two or three weeks and has not yet been cleaned up. She indicated that truckers have not been responsible or ethical.

She expressed appreciation to those in attendance and their comments, noting that the ordinance being considered can be made as restrictive as deemed necessary. At this time, she read the letter received from Mike Cox of Cox Rocks Products whose comments opposed such an ordinance or tarping law. In the letter, Mr. Cox pointed out that in his monitoring of trucks, he has not received damage from debris off the trucks. Most damage is caused from foreign objects already on the highway. Present laws allow for citing and UDOT is presently enforcing those. Should an ordinance be passed, that County road trucks will also be required to tarp and that those costs are passed on to the tax payer. He therefore, urged the County not to adopt such an ordinance.

Commissioner Mark Justice pointed out that the purpose of this meeting was to receive input which the County has gotten and it is appreciated. No decision will be made at the present time, recognizing that coal is the basis of the economy in the County. He recognized the coal companies and haulers and their willingness to work with the Commission in resolving this concern. He pointed out that if the loads were legal, and drivers stayed within the set speed limits, this would greatly reduce the problem. It would possibly be a serious mistake to apply to all trucks. The main source appears to be coal trucks because of their material and the frequency of trips.

Valerie Pierce - At this time she emphasized that if tarping is required in other states, why not here. Such a tarping requirement would make it better.

Commissioner Clyde Thompson noted that most of his concern had been mentioned by those in attendance, emphasizing a need for the middle of the road secured load law. He noted that the effect of such a law needs to be considered on other users such as farmers and those individuals hauling coal and wood to their homes.

A truck driver in the audience who did not state his name, pointed out that much of the problem is due to the people following too close behind trucks. Savage has cut down their loads and such a tarping ordinance is unfair. It would just punish the coal companies and writing up the truck drivers with

citations doesn't help.

Sheriff, Lamar Guymon, upon request, pointed out that UHP has stepped up enforcement. Much of the problem could be eliminated by lighter loads and disciplined drivers.

Eric Anderson - He indicated that those persons hauling loads to Salt Lake landfills are required to have covers, otherwise they are cited. While as an employee with Cox Rocks, they were required to sweep loose material from off the sides of trucks.

Merlin Christiansen - He pointed out that much of the problem this evening is because of our selfishness both as coal company, truck drivers and the public. Present incentives encourage truckers to haul more and faster and that the solution could be by our being more cognizant.

Tim Simmons - He pointed out that compliance is only while the enforcement is increased. A tarping requirement is easily enforced and easily recognized.

Joe Young, Jack B. Kelley Trucking - He noted that they have reduced their loads. He has at times sent drivers home for overloading.

John Tatton, Savage Industries - He pointed out that Savage has not reduced their loads, but simply modified them and spread them deeper, not lighter.

Kerwin Jensen, Kerwin Jensen Trucking - He pointed out that his company has bought a lot of windshields. The problem is that the people have to pass the trucks. Coal is the County industry and the living.

Allen Almond - There are presently trucking companies in Emery County who go into Idaho, tarp upon loading. He suggested that a committee be established to come up with a workable solution.

Scott Barney, Emery Recycling - He noted that this would possibly effect the individual garbage haulers.

Commission Chairman Dixie Thompson again expressed appreciation to those being in attendance. She indicated that they would take the public comments given this day under advisement. She noted that Emery County needs to be proactive in getting this resolved. She again emphasized that someone is paying for those costs. She further recognized receipt of 35 letters, many expressing the same concerns as given during the meeting.

(2)

FIVE MINUTE RECESS

Commission Chairman Dixie Thompson called for a five-minute recess at 7:35 p.m. The meeting reconvened at 7:46 p.m. with all members present.

(3)

#### HUNTINGTON CITY TELEPHONE SERVICE - PUBLIC SERVICE COMMISSION - RESOLUTION 9-3-91

Scott Johansen came before the Commission not as a County Attorney, but involved in the efforts to improve the telephone services to Huntington City. He noted that they are presently regulated by U.S. West. Whereas the rest of the County is under Emery County Farmers Union Telephone Association. The Emery Telco is probably the most modern whereas the Huntington is the most archaic. Green River is also outdated. He noted that the Emery Telephone Company for the past ten years has attempted to acquire Huntington, but to no avail. This would greatly effect the County in the establishment of the E-911 service and where that database would be held. The costs to the County would almost double.

Mr. Allen Almond, Council Member of Huntington, pointed out that the residents of Huntington pay nearly twice the fee as residents in other areas of Emery County. He indicated that Huntington is the golden calf to U.S. West and they are not willing to make improvements. Because of the outdated equipment, they cannot be serviced by other types of services such as MCI, Sprint, etc. Mountain Bell's 10-year plan for making improvements in Huntington was never met. Calls cannot be completed to Huntington, particularly during rainy times.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 9-3-91 which supports Emery County Farmers Union Telephone Association's request to enlarge its certificated area to include Huntington City. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(4)

#### EMERY CITY REQUEST FOR COMMUNICATION IMPROVEMENTS

The following individuals were in attendance for this agenda item: Jean Christiansen, Merlin Christiansen, Alten Jensen, Venice Jensen, Lucille Jensen, Randall Lake, Lynn`e Lake, Judy Mortensen, Betty Bunderson, Boyd Jacobsen, Hazel Cox, Earline Christiansen, Glenys Sitterud, Morris Sorensen, Ronnie Sorensen, Bonnie Graham, Marian Mangum, and Carrie Lou Gremel.

Glenys Sitterud, spokes person for the Group, informed the Commission that Emery needs help with the radio communications equipment, buildings, tower and

other improvements. The greatest concern is the emergency equipment - pagers which do not function properly because of the lack of a booster station. Such equipment improvements would improve communication to the Sheriff's department and deputies working on I-70. They would like to get an update on the radio and TV equipment. Much of the equipment was installed back in the mid 1950's. They do not receive radio and many TV stations on a regular basis. She presented to the Commission a petition with approximately 100 signatures. She noted that this is important to the residents there.

Morris Sorensen, the EMT supervisor, discussed the problems of the pagers not working properly. He noted that this could effect ambulance service to the residents and also along I-70. He noted that the old pagers are outdated.

Others present also discussed the TV reception. They requested that channels 7 and 11, which are available throughout the County also be made available there.

Commissioner Mark Justice noted that it appeared the general concern was to equipment problems. He indicated there presently are plans in place to do something, although nothing would be available until next year. A new antenna would improve, but not solve, the present problems.

Betty Bunderson who has served as Emery Town Recorder for the last 11 years noted that with the different Mayors over the years, they have each approached the Commission annually. Dollars have been allocated, but never spent on making those improvements.

Sheriff, Lamar Guymon estimated the cost of those improvements being requested would be at least \$100,000. He further emphasized that they understood and that the Commission would support the Mayors in going to the Community Impact Board for some of those funds.

Eric Anderson expressed that residents of Emery City should be entitled to the same service as other residents throughout the County.

Commission Chairman Dixie Thompson at this time expressed appreciation to those being in attendance. She asked that they get back to the Commission on the CIB request for grant money after determination is made as to how far it has progressed. She further offered Commission support in that effort.

(5)

UAC MUTUAL INSURANCE - UPDATED - COMMISSIONER STATEMENT

County Attorney, Scott Johansen advised the Commission of the progress being made in establishing the UAC Mutual Insurance which would be discussed in the upcoming Commission workshops. Further discussed would be placing surplus County funds in the initial pools, recognizing the liabilities and the projec-

ted pay back schedule. Also considered would be pre-paid premiums.

At this time, Commissioner Mark Justice requested that the minutes reflect his change of position in regards to the County participating in that mutual insurance. He is very much opposed at this time. He noted that any balance the County has in excess being used to fund such would outrage the public. He further noted that there are no guaranteed returns. Once committed, these funds could not be used to finance projects such as the one in Emery Town requested this day. As one who works in insurance, such a mutual insurance should be an option along with the trust insurance.

(6)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #912839 through and including #913017 for payment. The following requisition was presented for Commission consideration:

Motion to approve the Warrant/Check Edit list for payment was made by Commissioner Clyde Thompson, seconded by Commissioner Mark Justice and approved by all members present. No requisitions were approved for purchase.

(7)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel Action Forms for Commission consideration:

A) Zen Majors - Road Department - Presented was the Personnel Action Form for Zen Majors who was previously employed as a seasonal employee in the Road Department to fill the position vacated by Randy Menser as an Operator II at a Grade 11, Step 1 or salary of \$1,780 per month. Effective date is September 2, 1991.

B) Wayne Maxfield - Road Department - Presented was the Personnel Action Form for Wayne Maxfield as a temporary employee in the Road Department to fill the position left vacant by Zen Majors. This is for an Operator to be paid at the rate of \$9.00 per hour. This position terminates December 31, 1991. Effective date is September 2, 1991.

C) Carole Larsen - Orangeville Branch Librarian - Presented was the Personnel Action Form for Carole Larsen who was previously working 32 to 39 hours per week to be changed to a full-time position working 40 hours per week at a Grade 5, Step 1 or a salary of \$1,304 per month with full benefits. Effective date is September 1, 1991.

D) Roxanne Bohn-Elmo Branch Librarian - Presented was the Personnel Action Form for Roxanne Bohn to receive a pay adjustment from \$5.15 per hour to \$7.52

per hour. Effective date is September 1, 1991.

E) Vicki Jacobsen-Emery Branch Librarian - Presented was the Personnel Action Form for Vicki Jacobsen to receive a pay adjustment from \$6.56 per hour to \$7.52 per hour. Effective date is September 1, 1991.

F) Leona G. Weihing-Green River Justice Court Clerk - Presented was the Personnel Action Form for Leona G. Weihing to receive her six-month probationary increase from a Grade 5, Step 1 to a Grade 5, Step 2 or a salary of \$1,345 per month. Effective date is August 1, 1991.

Motion was made by Commissioner Clyde Thompson to approve all Personnel Action Forms. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(8)

#### COMMISSIONERS MINUTES

The minutes of the August 7, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Mark Justice to approve the minutes as corrected. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

The minutes of the August 22, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(9)

#### COMMISSIONERS REPORTS

Commissioner Mark Justice:

1. He pointed out that this being his first-time experience in the board of Equalization in Castle Dale and Green River that there were relatively few people who came.

Commission Chairman Dixie Thompson:

1. She discussed the County road to the Deer Creek mine. She noted that they have been involved in discussions with the Huntington Power Plant manager and Gene Hess, among others, regarding damage to the County road. She indicated that they did not inform the County of the road damage and that they have not complied with the road limitations.

(10)

OTHER BUSINESS

A) Road Superintendent Rex Funk advised the Commission that at the Hunter Plant road intersection and overpass, that five of the seven lights are now out. He noted that in 1987 the County did not take out a maintenance contract with UP&L. He suggested a maintenance contract be entered into.

B) Commission Chairman Dixie Thompson concluded that she has met with the Utah Department of Transportation and reviewed their five-year program. She noted that Nielsen Construction has received the bid to do work on Highway 31 from the Forest fence to Seelys.

C) Clerk, Bruce Funk advised the Commission that recently the County had received a request for Indigent Burial assistance. He advised the Commission that they yet need to determine a location for indigent burials and those associated costs. He indicated that he has contacted Darrel Leamaster on a proposed location east of the settling ponds in Castle Dale in exchange for some County property in which they are interested. He has not responded or submitted those property descriptions.

(11)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the Commission meeting at 9:00 p.m.

ATTEST

CHAIRMAN

ComMin9-18-91

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

September 18, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:05 a.m.

The invocation was given by Commissioner Clyde Thompson.

(1)  
COMMISSIONERS MINUTES

Due to insufficient time for Commission review, the minutes of the September 3, 1991, Commission meeting were held until the next Commission meeting.

(2)  
MELISSA MCKELL - MISS EMERY COUNTY

Melissa McKell, 1991 Miss Emery County, was introduced to the Commissioners. She told of her experience at the Miss Utah State Fair Pageant held earlier in September. Miss McKell placed in the top 10 finalists at the pageant.

(3)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #913034 through and including #913181 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
60	Two PC Hard Drives - Sheriff	2,540.00	Approved
61	Hard Drive for Ambulance Program - Sheriff	650.00	Approved

Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve all Warrants for payment and requisitions for purchase. Motion was approved by all members present.

(4)  
RSVP - VAN PURCHASE

Motion was made by Commissioner Clyde Thompson to begin accepting bids for the purchase of a van for the RSVP program. Motion was seconded by Commissioner Mark Justice and approved by all members present.



(5)

#### GYPSUM RESOURCE DEVELOPMENT - BOND

Economic Development Director, Bryant Anderson discussed with the Commission the \$100,000 Gypsum Resource Development bond currently being held by Emery County. He presented a Bond Agreement in regards to the same. The agreement recognizes acceptance by Emery County and its right to cash the bond. He also presented a memorandum of understanding between Emery County and the BLM in that Emery County will cooperate on everything in regards to the bond.

Whereupon, a discussion ensued between the Commissioners, Deputy County Attorney, Patricia Geary and Bryant Anderson in regards to the bond.

Commissioner Mark Justice voiced concern that there are more departments involved with the bonding than need to be. From his viewpoint, it appears GRD has had discussions with several different departments within the County, i.e., County Commissioners, Attorney's office and the Road Department. Commissioner Justice felt there should be one spokesperson for the County and GRD should speak with that person only. It was the consensus of all present that the County should be unified in their dealings with GRD.

Deputy County Attorney, Patricia Geary discussed options the County could offer GRD regarding the bond. One option was that the County use the bond to pay GRD's creditors.

Commissioner Mark Justice indicated that the bond is not a performance bond. The original reason for the bond still exists in that if GRD causes road damage, the bond is to insure that it will be fixed. Commissioner Justice was concerned that if the County shows any inclination that the bond will be used to pay GRD's debts, that is what GRD will expect.

It was the consensus of the Commission that they will not use the bond to pay GRD's creditors, but they will reduce the bond once they are paid.

After further discussion, motion was made by Commissioner Mark Justice to approve the current bond agreement with GRD. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Deputy County Attorney, Patricia Geary briefly discussed with the Commission a possible claim against the County by GRD. That being that Craig Johansen of Johansen and Tuttle was acting as an agent for the County while doing business for GRD. No Commission action was taken at this time.

(6)

#### BRYANT ANDERSON - ECONOMIC DEVELOPMENT REPORT

Economic Development Director, Bryant Anderson presented the following to the Commission:

A) Woodside - He informed the Commission about a group of people who want to develop Woodside. He indicated that there would need to be a new area put into the zoning regulations to add commerce in order for this location to be developed.

B) Mancos Rose Mining - He briefly discussed the mine located South of Ferron. After discussion, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to set this matter for a Public Hearing. Motion was approved by all members present.

C) Economic Development Council Board Appointments - Mr. Anderson presented the names of Gary Petty and Doyle Jensen to be appointed to the Economic Development Council Board. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the appointments of Gary Petty and Doyle Jensen to the Economic Development Council Board as presented. Motion was approved by all members present.

D) Green River Area County Inspector - Mr. Anderson presented the name of Doug Shorts to be appointed the Green River Area County Inspector. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the appointment of Doug Shorts as presented. Motion was approved by all members present.

(7)

#### UTAH CENTENNIAL CELEBRATION COMMITTEE

Commission Chairman Dixie Thompson presented to the Commission on behalf of Sylvia Nelson, the names of Montell Seely, Carolyn Randall, and Sylvia Nelson to serve on the Utah Centennial Celebration Committee. Mrs. Nelson indicated she has also requested all the mayors to submit three names from their city's for the Committee.

(8)

#### PROPOSED PERSONNEL POLICY IMPLEMENTATION

The following County employees were present at this time: Personnel Director, Pat Snowball, Karen Peacock, JoAnn Taylor, Charlane Luke, Lorna Davis, Carol Riddle, Gayla Luke, Carol Ware, Linda Baker, Leslie Bolinder, Sheriff, Lamar Guymon, Assessor, James Fauver, Auditor, Karen Truman and Clerk, Bruce Funk.

Personnel Director, Pat Snowball presented to the Commission for their approval the proposed Emery County Personnel Policy. She indicated that it is a place to start and

allows for work within it. She suggested that the Commission not implement it at this time, but possibly after the first of 1992. The following discussions ensued:

JoAnn Taylor - She suggested that changes be made before it is adopted.

Bruce Funk - He feels that the job descriptions are not fairly represented. He voiced concern about Mike Swallow maintaining the program. He would like to see changes made before it is adopted.

Karen Truman - She indicated you need to take the person who is currently performing the job out of the description and just look at the qualifications required to perform the job.

LaMar Guymon - He indicated that his employees are confused with the new Personnel Policy. He noted, however, that the Commission could adopt the concept and work with it. He further indicated that no one is unhappy with the idea. However, we don't want to be stuck with it the way it is now.

Charlane Luke - She expressed concern regarding the classifications.

Linda Baker - She indicated that she could not see anything in regards to longevity and being compensated for it.

Carol Riddle - She indicated she had no problem with her job description.

Gayla Luke - She indicated she was satisfied with her job description. However, she noted that her job does require recertification.

Karen Peacock - She indicated she was satisfied with her job description.

Lorna Davis - She indicated it was her hope that the new policy will be better than the old.

Carol Ware - She indicated that it is a good shell. However, the Road Department will want to change some of their classifications.

Personnel Director, Pat Snowball, in responding to the remarks made by others present, indicated that 50% of the job descriptions received some change from the old policy and the other 50% were unchanged. She indicated that with the proposed policy, if something changes down the road, the personnel policy will be changed. She indicated that if the Commission adopts this today, it will allow her to meet with all departments to make changes before implementation. She indicated it would be a good idea for the employee committee to be a part of this process. She indicated that longevity is rewarded through additional vacation time after 10 years of service.

Commissioner Mark Justice indicated his biggest concern that quantity was not properly taken into consideration. He further noted that in comparison with other people, it looks like Emery County is average or above other workers in Utah. He indicated that the proposed policy will give the County a good shell to work with. He suggested that the Commission put it into place now and implement it down the road.

Commission Chairman Dixie Thompson indicated it will remain flexible after final adoption. She indicated it is a good bench mark to start with. She further noted that she liked the idea that the employees were involved with writing their own job descriptions. She indicated that the new policy will not be set in concrete.

Commissioner Clyde Thompson made a motion to approve the proposed personnel policy to be implemented January 1, 1992. Commissioner Mark Justice seconded the motion in that the new budgets will be in place at that time and that the proposed personnel policy will be subject to change after implemented. Motion was approved by all members present.

(9)

#### TIME ACCOUNTING PROCEDURES

Personnel Director, Pat Snowball indicated that she would like Commission approval today for time accounting procedures. Auditor, Karen Truman requested a decision today on a bi-weekly pay period and hourly rates for employees in order to implement them on October 1.

After Commission discussion, Commissioner Mark Justice made a motion that the County go to a bi-weekly pay period. According to the Auditor, October is a good month to that. His motion was also that the County change its time accounting system so that we calculate for purposes both of hours worked and overtime, sick, comp and vacation time. His motion was also to direct department heads and elected officials to, within the next 60 days to have their employee comp hour banks at zero, so that from that point on the County is strictly on an hourly basis with employees and if an employee works a half an hour of overtime in a pay period, they are paid for it. Whereupon, Commissioner Clyde Thompson seconded the motion and it was approved by all members present.

(10)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented a Personnel Action Form for Sunny Nielsen, to work as a temporary Microfilmer in the Recorder's office for four

weeks to be paid at the rate of \$5.50 per hour. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the Personnel Action Form for Sunny Nielsen as presented. Motion was approved by all members present.

(11)

COUNTY SUPPORT OF KAREN TRUMAN AS OUTSTANDING ELECTED OFFICIAL OF THE YEAR

Commissioner Mark Justice made a motion that the County support Auditor, Karen Truman as the outstanding elected official of the year and cast its vote as such. Motion was seconded by Commissioner Clyde Thompson who included that the County send letters to other Counties requesting their support as well. Motion was approved by all members present.

(12)

COMMISSIONERS REPORTS

Commission Chairman Dixie Thompson -

1. She informed those present of upcoming meetings she will be attending, including an Advisory Transportation Meeting in Salt Lake regarding the tarping ordinance; a joint highway meeting in Monticello and a weed and pest abatement conference.
2. She reminded those present about the Museum Banquet in honor of Dr. Stokes on Saturday at 6:30 p.m.
3. She indicated that the OSM has settled and the appeals are in. Emery County is now to decide one way or the other. She further indicated that Emery County will make its own decision on the issues at hand.

Commissioner Clyde Thompson -

1. He informed those present of an Interagency meeting on September 24 with the BLM, UDOT, DWR and will follow in the afternoon with a legislative council meeting.

Commissioner Mark Justice -

1. He informed those present that he will be attending a meeting in Salt Lake regarding Dam Inspection.
2. In regards to the recent County party, he indicated it was a pleasant afternoon. However, he indicated he wished there would have been more employees present.

(13)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at 11:25 a.m.

ATTEST

CHAIRMAN

ComMin10-2-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

October 2, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:00 p.m.

The invocation was given by Commissioner Mark Justice.

(1)

COMMISSIONERS MINUTES

The minutes of the September 3, 1991, Commission meeting were reviewed. Motion was made by Commissioner Mark Justice to approve the minutes as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

The minutes of the September 18, 1991, Commission meeting were reviewed. Motion was made by Commissioner Clyde Thompson to approve the minutes as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(2)

AUDITOR'S BUSINESS

Auditor, Karen Truman informed the Commission that the Warrant/Check Edit list was not ready for their review at this time. It was the consensus of the Commission to approve the Warrant/Check Edit list upon completion and review by them. Auditor, Karen Truman indicated it would be ready by Monday, October 7, 1991.

Req. #	Item and Description	Amount	Action
59	Van - RSVP	21,700.00	Approved
60	Computer System - Sheriff	1,987.00	Approved
61	Two Typewriters - Auditor	796.00	Approved
62	Various Equipment - State Lands and Forestry	1,866.68	Approved

Motion was made by Commissioner Clyde Thompson to approve all requisitions for purchase. Motion was seconded by Commissioner Mark Justice who indicated the RSVP Van purchase was completely funded by a Federal Government grant and will not cost the County anything. He went on to commend Carolyn Randall, the RSVP Director, for her efforts in obtaining the grant. Motion was approved by all members present.

(3)

4-H PRESENTATION TO COMMISSION - 4-H WEEK OCTOBER 13-19, 1991

Members of the 4-H presented the Commission with plates of cookies. Matthew Erni, the State 4-H Ambassador in charge of the Central East District which includes Emery, Carbon, Grand and San Juan Counties, read to the Commission a proposed Proclamation. The proclamation in its entirety is attached.

Whereupon, motion was made by Commissioner Clyde Thompson to adopt the Proclamation as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Commission Chairman Dixie Thompson complimented 4-H and its adult leaders for their efforts.

(4)

EMERY TOWN REQUEST - TRANSLATOR

Gary Petty, Emery Town Mayor; Glenys Sitterud and Boyd Jacobsen came before the Commission in regards to a request for Commission support of a new Translator for Emery Town.

Mr. Petty addressed the Commission and indicated it is possible for them to obtain a grant through the Community Impact Board for a new translator if the County will support their efforts by pledging 50% of the cost. The cost for the new translator is estimated at \$120,000, which would mean a \$60,000 commitment from Emery County.

Commission Chairman Dixie Thompson suggested that Emery Town contact the Emery County Farmers Union Telephone Company to inquire if they would be able to use the telephone company's two towers already located in Emery. Sheriff, Lamar Guymon indicated that Emery Town is already utilizing one tower, however, neither tower will improve television reception.

Mr. Petty went on to inform the Commission that the present tower was installed in 1954. The EMT pagers only go off half of the time and that is leaving the County in a liable situation. Mr. Petty requested the County to commit to paying for half of a new translator, or \$60,000.

Commission Chairman Dixie Thompson inquired about a possible conflict of interest between City and County if the County were to contribute the requested amount.

Commissioner Clyde Thompson indicated that Representative Brad Johnson is in the process of getting the Community Impact Board restructured.

Commission Chairman Dixie Thompson indicated that the Community Impact Board is feeling heavy impact from Emery County because Emery County is the largest contributor. She feels the CIB will be very favorable.

After further discussion, motion was made by Commissioner Mark Justice to support Emery Town's request for 50% funding of a new translator. This will be finalized in the budget hearings this fall. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Gary Petty then requested that Emery Town receive \$12,000 in recreation funds. Commissioner Mark Justice indicated that the funds Mr. Petty is requesting are from the Capital Improvement Fund Emery County has. He further informed Mr. Petty that there are only certain items the money can be used for and outlined what those are. The Commission requested Mr. Petty to submit to them a formal request and breakdown of what the funds will be used for. They will then finalize it with Emery Town.

Commission Chairman Dixie Thompson thanked those in attendance.

(5)  
COLLECTIVE BARGAINING AGREEMENT

Commissioner Mark Justice addressed the Commission in regards to Collective



Bargaining. It was his feeling that the Commission needed to make a decision in regards to this item. Commissioner Justice indicated that he felt unions are good. However, at this time because of the small number of Emery County employees currently belonging to this, he could not support it at this time. He encouraged the union people to approach all County employees and if there is a majority interested in joining, the Commission will look at it at that time. Commissioner Clyde Thompson indicated he had the same feelings towards this item as Commissioner Justice.

Commission Chairman Dixie Thompson indicated it is bad timing for this item to be discussed and a decision made at this time. She indicated she has no problem with the union. However, she feels that if the County is doing a good job, there is no need to worry about any negative effects of a union. She would like this decision postponed and tabled.

Commissioner Mark Justice indicated that if this item is tabled, the union people will not know where the Commission stands, as is the present situation. His intention is to let the union know where the Commission stands.

Whereupon, Commissioner Clyde Thompson made a motion not to enter into Collective Bargaining at this time. Motion was seconded by Commissioner Mark Justice. Commission Chairman Dixie Thompson voted nay. Whereupon, motion passed.

(6)  
COUNTY POLICY REGARDING PAYMENT FOR COMP TIME AND HOURS  
WORKED BY PREVIOUSLY  
EXEMPT EMPLOYEES

Commissioner Mark Justice initiated a discussion with the Commission regarding payment of comp time and hours worked by previously exempt employees.

After considerable discussion, Commissioner Mark Justice made a motion that a settlement with the exempt employees as listed for the hours that have been audited and that we pay them the amounts shown on this report that are due if they are willing to sign a waiver that we have no more responsibility to accept from the date of the check backwards forever. Also, that the Commission and the exempt employees realize that their exempt status that started in 1989 prompted and gave them a 3% salary increase, which they have enjoyed since that time. Commissioner Clyde Thompson seconded the motion and it was approved by all members present.

Commissioner Clyde Thompson made a motion that we buy the comp banks on the non-exempt employees back to zero as of September 30, 1991, for all employees with comp bank balances, based upon the employees signing a waiver that this is all that is owed them from that date back forever. Also there will be no comp banks in the

future. Commissioner Mark Justice seconded the motion and it was approved by all members present.

Commissioner Mark Justice indicated that this is workable and feasible if controlled. This is not an unlimited thing, there has to be a dollar value attached to it at budget time for the year. The Supervisor now has the leeway to work with this, but if we run into a situation at some point in the year where we have used up the resources that we have attached to overtime payment, then it will have to end. We encourage everyone to know what the system is. We think it is good for you as a supervisor and county employees, but is going to have to be reasonable and managed. We are going to have to know what it is at the start and not exceed it at the end for it to work.

Commission Chairman Dixie Thompson indicated these will come out of the current budgets in each department.

(7)

#### TAX COMMISSION FINDINGS CONCERNING PACIFICORP DEVALUATION

County Attorney, Scott Johansen indicated that the Tax Commission has notified the County that they have put approximately \$125 million back into Emery County's valuation for 1991. That was done by determining that Pacificorp had put some of their assets which belong in Emery County in other Counties. The County that got hit the hardest is Sevier County, percentage wise. We don't have an explanation yet where the other \$75 million went, but we are still pursuing that issue with them. We don't understand why our valuation went down \$75 million when it should have gone up at least \$55 million because of the coal wash facility. We are still pursuing that with the Tax Commission.

Auditor, Karen Truman indicated that the actual figures from the Tax Commission were \$116 million.

(8)

#### COUNTY'S POSITION REGARDING TARPING ISSUE

Commissioner Mark Justice indicated that he would like to see the Commission firm up its position regarding tarping in the County. Commissioner Clyde Thompson suggested that the wording be changed from referring to it as "tarping", to "secured load". Commissioner Mark Justice noted that there is a state ordinance than can be enforced now.

Commission Chairman Dixie Thompson indicated she has been in contact with Savage Industries. They are now welding a lip onto their trucks which preven-

ts the coal from being blown out. She indicated that she has been to the Motor Vehicle Testing Committee and voiced the County's concerns including public safety and environmental concerns. She also indicated she thought the Commission would have received suggestions from other trucking companies by now. However, Savage is the only one who has contacted them. She indicated she feels the trucking companies are making a positive move, but feels unless an ordinance is not put into effect, the companies will slack off.

Sheriff, Lamar Guymon informed the Commission that the Co-Op is tarping all its trucks.

Road Superintendent Rex Funk indicated the County should start with the coal companies since they are the ones the residents are more concerned with.

A representative from Nielson Construction addressed the Commission. He indicated that Nielson Construction wants to cooperate in any way it can. He indicated they can submit a written recommendation to the Commission, but he feels that there wouldn't be a problem if the companies had controlled loads.

Commission Chairman Dixie Thompson indicated that the Hiway Patrol feels the Secured Load Statute is not enforceable. She indicated the County will enforce the law and hopes the Hiway Patrol will help. She went on to say she is happy some of the trucking companies have been proactive.

Commissioner Mark Justice indicated he would like to see this apply only to coal haul trucks. He went on to say that the County has an opportunity to do something good here. Commissioner Justice indicated that we should review and pursue voluntary compliance to the point we find out the trucking industry is willing to comply with that and at that point, if they are not willing to comply, we should come back and make a decision whether we do or do not enact a tarping ordinance.

Road Superintendent Rex Funk indicated that the ICC regulations talk about driver responsibility and they need to be more accountable. He indicated the County needs to address coal first, then expand as needed.

Commissioner Mark Justice suggested the Commission Chairman Dixie Thompson appoint someone to contact the coal haulers regarding an understanding between them and the County. Then if the commitment is not held up to, the tarping ordinance would be an alternative.

Commission Chairman Dixie Thompson indicated she will contact the trucking companies by letter and will also put this in the newspaper for public awareness.

(9)

REDISTRICTING COMMITTEE RECOMMENDATIONS

Commission Chairman Dixie Thompson indicated that it is looking favorable to keep State Representatives Ray Nielson and Brad Johnson in the County. However, it also looks as though we will be in the same district as Carbon County and does not feel we have had the support from Carbon County that she would like. She indicated they will be putting out the official decision on this issue on Friday. As far as the Senators go, it looks like our district will include 16,000 from Carbon County and there will be no one big city, it will include Emery, Grand, San Juan and Sevier. She indicated that these counties have a lot of the same land and mining issues as Emery County.

(10)

#### VONDA LOFLEY - SCHOOLING FOR HEADSTART TRAINING FUNDING REQUEST

Commissioner Mark Justice indicated the Commission has received a written request from Vonda Lofley for Commission support to fund training for her to attend Headstart Training in Moab in the amount of \$1,800. Whereupon, after further discussion, motion was made by Commissioner Mark Justice to deny her request until the cost is broken down further. He is not comfortable with the amount requested, indicating that it is an excessive amount. Then the Commission will look at this request again. Commissioner Clyde Thompson seconded the motion, indicating this program may be federally funded. Motion was approved by all members present.

Commissioner Mark Justice further noted that the Commission could possibly support the program with a building and supplies, rather than training.

(11)

#### COMMISSIONERS REPORTS

Commissioner Clyde Thompson:

1. He indicated there was an interagency meeting with the BLM people and those in attendance took a tour of the San Rafael Trail. There was only one environmentalist on the tour, the others indicating they wanted to go on the tour didn't show up.
2. He reported that on the Swells project in the Joe's Valley area. It is coming along good and the grass is up 4-6 inches.
3. He indicated Ferron Reservoir has been drained and is now being repaired.
4. The parking at Cleveland Reservoir has been completed and should be ready for the winter parking.

5. Through the BLM, they are doing some environmental assessment work over the mines and drilling into the mines and getting what is called coal bed methane gas. They are piping that out, goes through the power plant and will go to Utah Valley.

Commission Chairman Dixie Thompson:

1. In regards to the parking at Cleveland Reservoir and grading the road to Forest Service specifications, their engineers had to go up with the Road Department because they weren't going to be satisfied with how we did it. The \$500 or \$600 job turned out to be a \$10,000 job. The Forest Service really took the County. Road Superintendent Rex Funk informed the Commission as to the details of the project and how the Forest Service engineers became involved. Commission Chairman Dixie Thompson indicated the Commission minutes were not complete enough when this project was started to know what was agreed upon and therefore, the County had nothing to go back on as to what the agreement was with the Forest Service.
2. The Commission has a meeting on October 17 at Days Inn in Richfield.
3. She indicated there was a Library Board Meeting recently. It was the consensus to eliminate the bookmobile program from the County since all the towns have libraries and are accessible to the residents of the County. This will be as of December 31, 1991.
4. She indicated the Joe's Valley Road work will take longer than expected. Road Superintendent Rex Funk indicated they are stripping the hills and it is a rough grade. They will be limiting hunting through that area.

Commissioner Mark Justice:

1. The Huntington/Cleveland Irrigation Company recently went through a dam inspection. They will be required to do monitoring and testing which will cost \$10,000. The legislation was recently passed for this, however, there was no funding put aside to help pay for it. The item of funding will come up in the next session. He indicated The the dams have to pass inspection for worst case scenarios.

(12)

ADJOURNMENT FOR EXECUTIVE SESSION

Motion was made by Commissioner Mark Justice to adjourn the regular meeting for executive session at 8:15 p.m. Motion was seconded by Commissioner Clyde

Thompson and approved by all members present.

Those present for Executive Session were Commission Chairman Dixie Thompson, Commissioner Mark Justice, Commissioner Clyde Thompson, County Attorney, Scott Johansen, Deputy County Attorney, Patricia Geary and Deputy Clerk, Julie Winn.

(13)

RESUME REGULAR COMMISSION MEETING

The regular Commission Meeting resumed at 9:15 p.m. with all members present.

(14)

SURPLUS COUNTY VEHICLES TO BE SOLD AT AUCTION

Deputy Clerk, Julie Winn presented to the Commission a list of suggested vehicles to be sold at the County Auction on Saturday, October 5, 1991. Those vehicles are as follows:

Year	Type	Serial #
1988	Dodge Diplomat	1B3BG26P2JW154827
1976	Dodge Van B2V	B21BD6X009162
1988	Dodge Ram CH	3B4GW12W9JM811635
1988	Dodge Ram CH	3B4GW12W0JM811636
1986	Dodge Ram CH	3B4G212T6GM628840
1988	Dodge Ram CH	3B4GW12W7JM825727
1984	Chev Van	2GCDG15H2E4106073
1985	Chev Caprice Classic	1G1BN69H9FX107496
1984	Chev Monte Carlo	1G1AZ3798EB119855
1985	Chev Impala	1G1BL69H1FX155127
1985	Chev K10	1G8EK18H9FF199937
1984	Mazda GLS	JM1EB3311E0833033
1982	Chev Caprice Classic	1G1AN69H1CX120430
1986	Ford Coff15/Camper Shell	1FTEF14N5GPB45651
1983	Cadillac Eldorado	1G6AL5784DE626344
1976	AMC Matador	A6A857H284143
1978	Ford Pickup	X15HKX23902
1977	Chev Ambulance	CGR3374163138

Whereupon, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the above-listed vehicles to be sold at the County Auction. Motion was approved by all members present.

(15)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the Commission meeting at 9:20 p.m.

ComMin10-16-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

October 16, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; and Deputy Clerk, Wendi Downard.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:04 a.m. who welcomed all those in attendance.

The invocation was given by Commissioner Clyde Thompson.

(1)  
COMMISSIONERS MINUTES

The minutes of the October 2, 1991 Commission meeting were reviewed and corrected. The minutes of the October 2, 1991 Commission meeting are to be brought back before the Commission at the November 6, 1991 Commission meeting for approval.

Deputy Clerk, Wendi Downard, expressed a concern that the Clerk's office has had in regard to giving copies of the commission minutes to individuals before they have been approved. It was the consensus of the Commission that copies of the commission minutes not be made available to anyone, including the press, until they are approved by the Commission.

(2)  
GREEN RIVER CANAL COMPANY'S REQUEST FOR ASSISTANCE IN FLOOD CONTROL EFFORTS

Commissioner Mark Justice indicated that the Green River Canal Company has requested assistance in the coming year budget. Commissioner Mark Justice also commented that it was his belief that it is proper for anyone to request assistance and then it would be up to the Commission to decide if that assistance could be extended at budget time. He indicated that the budget process is the appropriate way to consider such a request and that the process should be allowed to run its course.

Commissioner Clyde Thompson agreed that the time to consider this request would be during the budget process.

Commission Chairman Dixie Thompson referred to a letter written to Ray Lloyd Hatt from Commissioner Justice stating that two gentlemen had approached Commissioner Justice about very specific projects that would not be excessive and both projects could be accomplished in a matter of days.

Commissioner Justice indicated that one project involved cleaning the canal from one point to another point and the other involves cleaning a drain ditch from one point to another point. The canal company had said that the best time for them to do this would be in the spring of 1992. Commissioner Justice's letter to them indicated that he supported that project and that hopefully the county should be in a position to offer them some assistance for 1992. The canal company had indicated to Commissioner Justice that a man on a machine for two days would more than take care of all the work that they needed. The scope of the assistance they are asking for is small and not a massive flood control effort.

Rex Funk commented that the county had every year assisted the different irrigation companies to some extent when they requested that assistance, however, the Green River Canal Company has gone about making this request in a somewhat irregular manner. Mr. Funk indicated that they have still not contacted John Powell which would be the normal contact person. He further suggested that the irrigation company should seek federal assistance in addressing the problems of the broader flood control program. He indicated that in the past they have not been involved to the extent of cleaning out stretches of canal.

Commissioner Justice agreed that the county would need to be careful in what precedent they were setting because if they do something for one entity, they would have to do it for others and if they are looking at going beyond the assistance that has been offered in the past, they would have to consider that very carefully.

Jay Mark Humphrey indicated that the canals are private rights and not public property and if public monies are used to assist them then the county would be opening itself up for a huge expense.

Rex Funk also pointed out that Green River was not a part of our district and any assistance would need to be very limited; they have provided equipment before on a by-request basis but never have provided labor.

Commission Chairman Dixie Thompson expressed her concern over a list that had been provided to her of money that had been taken out of the Road Department budget for jobs done for other public entities. It was her feeling that for



the county to extend itself to the Green River Canal Company, who is a private entity, would be inappropriate. She agreed that there are other monies available to them that they can request rather than turn to the county for help.

Commissioner Justice commented that they have the right to turn in a budget request and that it would be considered at the appropriate time and agreed that the Commission needs to be very careful about using public monies for private entities.

(3)

### STATUS OF THE OLIVER SPUR ROAD ABANDONMENT

Deputy County Attorney Patricia Geary came before the Commission to apprise them of the progress that has been made in the abandonment procedure for the Oliver Spur Road. She outlined the different procedures for abandoning the road and indicated that she had chosen to abandon the road upon a petition of a county resident who owns property abutting the road. She said that the reason for that is, but for the Thayne's interest in the road, the county would probably not have abandoned it on its own initiative. Ms. Geary informed the Commission that she is waiting for a petition from Attorney Nick Sampinos who represents the Thaynes.

Commissioner Mark Justice asked Rex Funk if he had been in contact with the parties concerning this matter. Mr. Funk indicated that he had talked to Mr. Thayne who had said he had no objection to a cattle guard and gate being placed on the east end. If Mr. Politano and Mrs. Schaab were willing to put in the cattle guard and gate, Mr. Thayne had said he would allow them to. Mr. Funk commented that a used cattle guard may be available that could be donated to help them.

Ms. Geary indicated that it would be incongruous to abandon the road and then put in a cattle guard and gate. Commissioner Justice indicated that it would be his intention to act as a disinterested third party to try to assist the parties and smooth things over. County Attorney Scott N. Johansen agreed that if the road is to be abandoned, then no public monies should be spent to put in a gate or cattle guard. Ms. Geary indicated that as soon as the petition is received, then the matter will be noticed up for a public hearing and the parties can express their views at the hearing after which the Commission will vote.

Sheriff Guymon asked that, if there is a problem with the road between now and the time that the vote is taken to abandon the road, should it be considered a county road or not. Ms. Geary indicated that it would be considered a county road at this point. Mr. Johansen commented that though the road is being recognized at this time as a county road, the gate does not belong to the county and if anything should happen to the gate, it would be destruction of private property and should be referred to the County Attorney's office for prosecution.

(4)

APPOINTMENT OF NURSING HOME BOARD MEMBER

Commissioner Mark Justice asked that this matter be delayed. The nursing home board has submitted a recommendation to the Commission for three individuals but they meet tomorrow night and Commissioner Justice has not had a chance to discuss the recommendations with the board.

(5)

APPROVAL OF PROCLAMATION DECLARING WEEK OF OCTOBER 19-27 AS "RED RIBBON WEEK"

Leslie Bolinder, Courthouse representative for Red Ribbon Week, came before the Commission and presented the attached Declaration for commission approval. Commission Chairman Dixie Thompson read the declaration aloud which declares the week of October 19 - 27, 1991 as "Red Ribbon Week" and which further declares the month of October, 1991 as Parent and Youth Alcohol and Drug Education Month. Motion was made by Commissioner Mark Justice to approve the proclamation. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

DISCONTINUATION OF BOOKMOBILE SERVICE IN EMERY COUNTY

Verda Miller, Library Board, Claudia Marietti, Library Board, Jerilyn Mathis, Ann Dziuk, Odessa Jones, Carol Larsen, Geraldine Mortensen and Dorothy Taylor, Librarians, came before the Commission in regards to Bookmobile service in Emery County.

Jerilyn Mathis addressed the Commission and indicated that the County now has eight libraries which is over a million dollar asset to the county, with the books being worth over \$100,000. The bookmobile is a small portion of the service that the libraries provide to the county. The reason the bookmobile was used in the first place was because many outlying towns did not have access to a library. As the libraries grew and each town acquired a library, the bookmobile began to park in front of the school library because the school's library program had been discontinued and there were no longer school librarians or funds to update their library. In four of the towns, the county library sits right next to the school with the bookmobile parked in front of the school. This is a duplication of effort and money to have the bookmobile sit in front of the school. The schools are now doing more with their libraries. She recommended that the bookmobile be discontinued and encourage the school teachers to use the public libraries as a supplement to the school

library. They do not want to take the place of the school library or have the bookmobile become the school library. They would like to see the schools provide for their own needs with the public library as a supplement. She feels that the bookmobile has provided a great service to the county but it has reached the point where it is no longer useful. Because the bookmobile has now reached the state that it has in the State of Utah, they are asking the counties to now pay the cost of the housing. It was her opinion that the money would be better spent in books for the public libraries.

Dorothy Taylor, Ferron librarian - she indicated that about a year ago, she questioned the people who came into the library and went to the school and questioned the principal about how they felt about the bookmobile and how they would feel if it was discontinued. 90% of the adults did not use the library but their children did at school. The principal thought it quite valuable because they could order whatever reference books they needed and have them there to use at the school. This is the same service the public library has offered them for years and very few have taken advantage of it. The bookmobile gets it's books from the same source as the public library. She feels that there are not that many people who use the bookmobile because they have no other way of using a library.

Geraldine Mortensen, Huntington librarian - she had interviewed about sixty people and most of them felt that the bookmobile schedules were so erratic that they didn't know when it was there or when to take the books back. Children would check the books out and then misplace them and the parents were getting overdue notices and many times they were returned to the public library instead of to the bookmobile. It was her feeling that every one of our towns is small enough that the children can walk to the library if their parents won't drive them. She said that most people do not use the bookmobile and that they had indicated that they would like to see the money spent on the public library.

Carol Larsen, Orangeville Librarian - she indicated that the biggest percentage of the people she surveyed in Orangeville did not use the bookmobile. The biggest user was the school so she contacted the teachers and, because they are so close, there wasn't any who weren't willing to come to the library instead of using the bookmobile. She agreed that the money would be better spent in updating the public library.

Odessa Jones, Castle Dale Librarian - she said her survey indicated that most adults did not use the bookmobile but the school children did when the teachers took them out to it. She felt that the bookmobile was a duplication of services to the county.

Commission Chairman Dixie Thompson noted that the bookmobile was a \$30,000 expense. Commissioner Mark Justice thanked the librarians for providing information to the commission about this matter. It was his understanding that the decision to discontinue the bookmobile needed to be brought before the Commission for their consideration as the commissioners were the ones who are responsible for the decision with recommendation coming from the library board.

It was Chairman Dixie Thompson's understanding that, according to library

policy, it is the library board that makes the decision and that it is not a Commission decision.

Jerilyn Mathis inquired then if the bookmobile would be discontinued. Commissioner Justice answered that if he has anything to do with the decision whether to remove the bookmobile and, at this point he did not know if he would or not, his answer would be that he agreed with the views expressed today and, yes, it would be discontinued.

(7)

#### APPROVAL OF RESOLUTIONS CREATING FIRE AND RECREATION DISTRICTS

County Attorney Scott Johansen addressed the Commission concerning the creation of a fire and recreation district for the county. He informed the Commission that he has prepared two Resolutions for Intent to Create and if the Commission passed those resolutions, then they would be published in the paper and a public hearing would need to be held.

Fire District - Mr. Johansen indicated that the fire district would be the whole county and that the board would consist of the three county commissioners. Both districts would have to have the vote of the people before it could go into debt and the Commissioners would have to vote to give the districts the power to tax.

County Treasurer Joann Behling inquired what the purpose was in creating a fire district. She indicated concern over the district being able to tax.

Commissioner Mark Justice answered that the main purpose was to receive grants or loans that would enable the county to purchase needed equipment and that any additional tax because of the fire district would be balanced by a decrease in other existing taxes for fire protection.

Recreation District - Mr. Johansen indicated that the Recreation District would have the same boundaries as Castle Valley Special Service District plus the coal mines, power plants and also Green River and Clawson. It is required by law that this district have an administrative control board because it includes the cities; and each city would have authority to put one person on the board.

This commission would have the authority to put three to seven people on the board; it has been written up to have three unless the commission decides to change that. The purpose of this district is to provide recreation facilities, equipment, grounds and programs within it's boundaries through the construction, purchase, gift or any combination thereof on the equipment, facilities or systems necessary to provide said services.

Commission Chairman Dixie Thompson indicated that she believed a study should

be done to research this further before a public hearing was held. Commissioner Clyde Thompson commented that the passing of the Resolutions for Intent to Create today does not necessarily mean that they would make the decision to create these districts. Mr. Johansen advised that the anything could be changed later on without starting over on the notice procedure except for a change in the boundaries or the purposes of the districts.

Motion was made by Commissioner Mark Justice to approve the Resolution of Intent to Create both the fire district and the recreation district. Motion was seconded by Commissioner Clyde Thompson and approved by all members present. The public hearing will be held November 20, 1991 at 7:00 p.m.

(8)

#### REVIEW OF COUNTY TRAVEL POLICY

Commissioner Mark Justice indicated that he had a concern about one specific item on the county travel policy that allows for county employees to be given advance money when they have to go on a trip on county business. Commissioner Justice's concern was that this created an inequity between the departments in what is expected of employees and also that there is a lack of accountability when the money is given in advance. He did not know if all departments were requiring the employees to bring back receipts and indicated that they should be doing so. He also indicated that if the expenses did not exceed the allowance then the money should be given back to the county.

Commission Chairman Dixie Thompson indicated that this policy was originally adopted because of a concern that the county was placing a burden upon the employee's cash flow by expecting them to pay out of pocket and then wait for reimbursement.

County Auditor Karen Truman indicated that all the departments have a credit card and that most of the time the lodging and, many times, the meals can be charged. She also indicated that it would be possible to set up a direct billing program with a hotel if one could be agreed upon by all departments and that, many times, a purchase order, which is available in the auditor's office, is honored by the hotels.

Sheriff LaMar Guymon and Assessor Jim Fauver indicated that they felt it was best to require the employees to bring back receipts on the cash advances.

Commissioner Justice felt that there would be no problem with continuing to use the cash advance policy for the flexibility it allows if an amendment were added to the policy to require accountability. County Attorney Scott Johansen pointed out that the policy does require receipts for lodging expenses but not

for the meals or minor things such as parking.

Commissioner Clyde Thompson indicated that he would like to see a minimum amount set for which receipts would be required. Commission Chairman Dixie Thompson indicated that she would like to keep the policy as flexible as possible and rely upon the department heads to insure that the employees are not abusing the cash advance policy.

(9)

#### REVIEW ADEQUACY OF COUNTY RESERVES

Commissioner Mark Justice had requested this item be placed on the agenda for a general review. He felt it might be good policy for the county to study our income and outgo over the last several years and to look at the amount of money that is in our tax stability and trust fund, the amount of money we have excess in our general fund and determine some goal as far as an amount that we believe is adequate in the fund balance. Once that goal is reached and the county continues to bring in more revenue than it is expending, then a decision can be made as to what can be done with that money and not continue to build up the fund balance.

Commission Chairman Dixie Thompson indicated that there will be information presented at the UAC meeting coming up that would greatly help in determining how to proceed with this decision and suggested that this matter be continued until after that meeting. It was agreed that this matter would be continued until after that time.

(10)

#### APPROVAL OF POLICY TO BUDGET ALL COUNTY REVENUE

It was agreed that this matter should also be continued until after the UAC meeting as there would be information presented at that meeting which would be valuable concerning this issue.

(11)

#### SHERIFF DEPARTMENT UNIFORM ALLOWANCE AND NORMAN VUKSINIC'S PAY

Commissioner Mark Justice indicated that prior to this year the deputies were paid \$50.00 for uniform allowance and that money was not included in their W2 wages and thus subject to withholding; at the first of the year that amount of money was raised to \$75.00 but now is included in the W2 income and has tax withholding. There has been concern from the Sheriff's Department if this could be handled some other way. If there is anyway the county can legally show the allowance as a benefit under what is called an accountable plan then it would not have to be included in the employee's wages. Commissioner Justice has asked a CPA to give the county an opinion about that and also has asked Mr. Kimball,

our independent auditor, to give us a written statement about that. These gentlemen have been asked to research the matter and determine how the uniform allowance can be handled to best benefit the employees.

Norman Vuksinic's pay - Commissioner Mark Justice requested the Commission to do for Mr. Vuksinic what had been done previously for other employees of the Sheriff's Department. Previously, there was a situation where several deputies had worked either a movie assignment or an alcohol shift and, because our accounting system being what it was and the fact that they took sick days off towards the end of their pay period, they were not paid for those assignments. It was agreed that that had been extra work for which they had expected to be paid and they were paid for those hours. Mr. Vuksinic's pay period during the month of September is exactly the same situation as these other deputies had earlier in the summer. He worked one alcohol shift consisting of 11 hours and the last three days that he was scheduled to work he was ill and took sick days off which put him under the 160 hours. Commissioner Justice made a motion to make an exception to their policy at that time and pay Mr. Vuksinic for those 11 hours. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

#### DISCUSSION OF JOEL DORSCH'S PROPOSAL

Commissioner Mark Justice advised that at the first of the year, Mr. Dorsch had entered into an agreement with Gypsum Resources to provide some radio service to them and to help them purchase radio equipment and he had discussed the possibility of whether he could use excess space at the county's television site on top of Horn Mountain with someone at our telecommunications department and also with the county attorney. It was decided in an April commission meeting that the county did not want to allow county facilities to be used for private business and suggested to Mr. Dorsch that he find another site on the mountain to set up the relay equipment. He has been unable to locate another site and has asked the Commission to possibly make an exception or to make other suggestions as he has personally expended several thousand dollars for the purchase of equipment that now is of no use to him nor can he sale to Gypsum Resources because he doesn't have a spot on which to set the equipment up so that he can relay the radio transmission. Mr. Dorsch feels that the county had led him to believe he would be able to use the facilities and then had changed their mind after he had already purchased the equipment. At the time that this was originally proposed, there was opposition from a competitor of Mr. Dorsch's who believed it was unfair to allow Mr. Dorsch the use of county facilities.

Sheriff Guymon indicated that in the past there have been others who have contracted to use space in the facility and it was his belief that anyone could request to rent space and, if there was space available, then it would be rented to them. Commission Chairman Dixie Thompson agreed that this sounded like the best policy as this would be a source of revenue for the county.

Motion was made by Commissioner Mark Justice to allow Mr. Dorsch to rent space in the facility on Horn Mountain for this purpose. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(13)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #913403 through and including #913570 for payment.

Req. #	Item and Description	Amount	Action
63	4-Single Gate Bottom Dump Trailers - Road Dept.	109,492	Approved
64	1-D8H Cat Dozer - Road Dept.	54,000	Approved
65	Computer - Auditor	500.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present

(14)

BLIND AND VETERAN TAX EXEMPTIONS

County Auditor Karen Truman, on behalf of County Assessor James Fauver, presented to the Commission the names of those individuals who qualify for the blind and veteran tax exemption as follows:

Name	Serial #	Blind/Veteran
Zola Brasher	01-0013-0040	Blind
Harvey Brinkerhoff	04-0054-0018	Blind
Hal M. Cox	01-0247-0003	Blind
Ward D. Hayward	01-004A-0008	Veteran
Ward D. Hayward	01-004A-0019	Veteran
Frank D. White	01-050A	Veteran
Harold L. Alger	02-0102-0002	Veteran
Roy E. Johansen	01-071C-0001	Veteran
Dennis F. Carter	02-0088-0008	Veteran
Jerome L. Gross	01-0093-0004	Veteran
Boyd C. Jacobsen	01-0090-0008	Veteran
Charles L. Haddenham	Personal Property	Veteran
Frank Vetere	01-0162-0023	Veteran
Grant M. Fish	01-1092-0026	Veteran



Grant J. Wilson	01-0199-0040	Veteran
Jack W.C. Pruitt	Personal Property	Veteran
Henry G. Clark Jr.	01-0258-0035	Veteran
Luther H. Thomas	01-0242-0004	Veteran
Max W. Jensen	01-0040-0002	Veteran
Anna Marie Jones	01-0014-0011	Veteran
Mary L. Oman	01-0031-0013	Veteran
Iris Fullmer	01-0130-0039	Veteran
Iris Fullmer	01-078A-0003	Veteran
Iris Fullmer	01-112B-0039	Veteran
Iris Fullmer	01-0130-0040	Veteran
Ima M. Morgan	01-0130-0040	Veteran
Chole Moore	01-151G-0007	Veteran
Zina H. Fish	01-0192-0026	Veteran
Hilma Robertson	01-0239-0019	Veteran
Maree P. Ware	01-0251-0007	Veteran

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve those individuals who qualify for tax exemptions due to blindness or veteran status. Motion was approved by all members present.

(15)

#### REQUESTS FOR PURCHASE OF COUNTY PROPERTY

Commission Chairman Dixie Thompson had received a letter from Scott McArthur of Huntington stating that he would like to purchase a parcel of property that the county owns in Huntington, Utah. Mr. McArthur had included a plat with his letter to specify the property (no legal description was provided for the minutes). The property was obtained by the county in a tax sale in 1965; the property is isolated and is useful only to adjoining property owners. Mr. McArthur indicated in his letter that discussions with real estate experts show that the property in it's undeveloped and isolated condition should have a value of 25 cents per square foot. The property is 834.47 square feet in area and the fair market price would be \$209.00. Mr. McArthur had enclosed a check made payable to Emery County in the amount of \$209.00.

Assessor Jim Fauver advised the Commission that Mr. McArthur's value is probably fair but that Chester Brasher should be notified before final action is taken because there was probably a mistake somewhere in Mr. Brasher's description and he probably thinks he owns the land.

Motion was made by Commissioner Clyde Thompson to sell the land to Scott McArthur if Chaster Brasher has no objections. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Wanda Vaughn came before the Commission with a request to purchase property owned by Emery County in Orangeville, Utah. Mrs. Vaughn presented plats to the Commission to identify the property (no legal description was provided for the minutes) and explained that she owns property adjacent to it which is partly situated in the city limits with some situated in the county. Mrs. Vaughn indicated that she would like to purchase enough frontage on the county road to get a water and sewer hookup for a building permit; this would be approximately 66 feet.

Assessor Jim Fauver advised the Commission that this property was just acquired in a tax sale this past May and that no one else was interested in the property at the time of the sale. Motion was made by Commissioner Mark Justice to sell the property to Mrs. Wanda Vaughn that she has requested, leaving the price negotiable between her and Assessor Jim Fauver. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(16)

#### PERSONNEL MATTERS

Personnel director Pat Snowball presented the following Personnel Action Forms for consideration:

A) Road Department and Weed Department - the road department has what is left of a five month position that wasn't filled and has need to have the roadsides sprayed. The Weed and Mosquito department is able to do the work but doesn't have the manpower. It proposed to use what is left of that five month position in the road department, with the road department financing the position, and hire a person who would work for Weed and Mosquito to get the roadside sprayed. It is proposed that the person be paid for approximately 10 weeks, depending on weather conditions, at \$7.48 per hour. This would be a full time position but a temporary/seasonal one. Motion was made by Commissioner Clyde Thompson to approve the requisition to fill what is left of this five month position in the road department with the person working for Weed and Mosquito. Motion was seconded by Commissioner Mark Justice and approved by all members present.

B) Road Department Clerk/Receptionist - presented was the personnel action form for Linda Smith, who has now completed her six month probationary period, for a 3% wage increase. She is a part time employee working 30 hours per week. Motion was made by Commissioner Clyde Thompson to approve the personnel action for Linda Smith which authorizes a wage increase from \$6.55 per hour to \$6.75 per hour and would be retroactive to September 30, 1991. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(17)

## SATELLITE IMAGE CO.

Bryant Anderson came before the Commission to advise them that the Economic Development council had met the previous evening. He indicated that Satellite Image, a telecommunications company, would like to set up business in Emery County and it is the council's proposal that the county and the telephone company pick up the cost for the first two stages in the form of a loan; the amount being \$30,000.00. It is their proposal that Emery County, through the Economic Development Council revolving loan, loan \$15,000.00 to them and the telephone company would loan \$15,000.00. Mr. Anderson presented the Commission with a proposed Promissory Note. The company would pay nothing for 18 months, at the end of the 18 months, they would pay interest on the money that they had during that length of time and then start making payments on it. Mr. Anderson further outlined three options for how the commitment of county funds could be handled (see attached sheet).

Commission Chairman Dixie Thompson indicated that she would like a commitment from the company that they would employ county people. Commissioner Mark Justice noted that we could not expect them to employ county people exclusively but would like a commitment from them that county residents would be given priority. Motion was made by Commissioner Mark Justice to commit \$15,000.00 from reserve to give to Economic Development to loan if this takes place. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(18)

## APPROVAL OF ORDER FOR FIRE EQUIPMENT

Sheriff LaMar Guymon came before the Commission asking permission to go ahead and place an order for needed fire trucks. He indicated that money had been budgeted last year and this as a down payment for lease purchase of this equipment which includes a mini pumper for each city and a large pumper for Castle Dale. He noted that if the fire district is not formed, they will have to fall back on the lease purchase plan and it will take approximately a year to get the equipment. He would like to order them now, without specifying how they will be paid for, so that they can deliver them within eight months. Motion was made by Commissioner Mark Justice to go forward and give permission to Sheriff Guymon to place the order for this equipment. The motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(19)

## REQUEST FOR JUSTICE COURT TO HANDLE CITY ORDINANCES

Justice Court Judge Stan Truman came before the Commission to advise them that he had been requested by Huntington and Orangeville cities to handle their city ordinance violations. He advised that under the statute he can do this until the first of the year without a contract. The Commission requested County Attorney Scott Johansen to get

back to them next commission meeting on some questions they had in regards to this; chiefly, whether they would have to have a contract after the first of the year.

(20)

#### BLM MEETING

Commission Chairman Dixie Thompson indicated that she had received a letter from Tom Hatch, Garfield County Commissioner, concerning the BLM meeting being held tomorrow in St. George. Mr. Hatch had wanted the meeting postponed as it was his feeling that the other commissioners would lack understanding of the issues. She indicated that Deputy County Attorney Patricia Geary would also be attending the meeting.

(21)

#### MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at 12:45 p.m.

ComMin11-6-91

### MINUTES OF THE REGULAR MEETING

### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

### HELD IN THE EMERY COUNTY COURTHOUSE

November 6, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; and Deputy Clerk, Wendi Downard.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:02 p.m.

The invocation was given by Commissioner Mark Justice.

(1)

#### COMMISSIONERS MINUTES

The minutes of the October 2, 1991 and October 16, 1991, Commission meetings were reviewed and corrected. Motion was made by Commissioner Mark Justice to approve the minutes as corrected. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #913581 through and including #913787 for payment.

The following requisitions were presented for consideration:

Req. #	Item and Description	Amount	Action
66	File Cabinet and desk - Economic Development	\$586.00	Approved
67	Strobe light - Sheriff	\$595.00	Approved
68	Laser Jet Printer - Sheriff	\$1,881.67	Approved
69	Aluminum boat and trailer - Weed and Mosquito	\$300.00	Approved
70	Portable telephone - Assessor	\$299.00	Approved
71	Floor refinishing - Nursing Home	\$2,700.00	Approved
72	Wheel chairs- Nursing Home	\$1,000.00	Approved
73	Typewriter - Motor Vehicle	\$545.00	Approved
74	Typewriter - Treasurer	\$545.00	Approved
75	PMSI computer program - Treasurer	\$2,500.00	Approved
76	PMSI computer program - Treasurer	\$600.00	Approved
77	Micrographic computer program - Sheriff	\$449.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Deputy Clerk, Wendi Downard, asked the Commission for approval for payment of an invoice from Carr Printing in the amount of \$641.13. This invoice is for election supplies for the municipal election and, in the past, the county has paid this expense in exchange for the use of the city's polling places for the general election. It was the consensus of the Commission that this invoice be paid in exchange for use of the city's polling places.

Emery County Auditor, Karen Truman advised the Commission that they had received two checks which represented proceeds from the County Auction. One check, in the amount of \$33,902.13, was for the sale of fixed assets from the Sheriff's Office. The other check, in the amount of \$1,474.97, was for the sale of fixed assets from the courthouse. Mrs. Truman also indicated that the tentative budget had been handed to the Commission and is on file for public inspection.

The following dispositions for trade/consignment were presented for approval:

Item and Description	Vin #	Fixed Asset #
1978 Cook Dump Trailer	A9459	
1982 Chancy Lowboy Trailer	74235SLBT60	04321
1980 Fruehauf Dump Trailer	1H4H02827BJ021606	04231
1979 Fruehauf Dump Trailer	FRV731005	01549
1978 Fruehauf Dump Trailer	FRZ712301	01551

Motion was made by Commissioner Clyde Thompson to approve the dispositions for trade/consignment. The motion was seconded by Commissioner Mark Justice and approved by all members present.

Emery County Auditor, Karen Truman presented the following tax rates for ratification:

County General Fund	.003089
County Library	.000280
Discharge of Judgment	.000242
Flood Control	.000191

Motion was made by Commissioner Clyde Thompson to ratify the tax rates as presented. The motion was seconded by Commission Chairman Dixie Thompson with Commissioner Mark Justice voting nay; whereupon the motion passed.

Emery County Auditor, Karen Truman present Resolution No. 11-6-91 amending the 1991 budget for approval. Motion was made by Commissioner Clyde Thompson to approve Resolution No. 11-6-91. The motion was seconded by Commission Chairman

Dixie Thompson with Commissioner Mark Justice voting nay; whereupon the motion passed.

(3)

#### APPOINTMENT OF NURSING HOME BOARDMEMBER VACANCY

Commissioner Mark Justice indicated that he had contacted the person who the nursing home board had recommended as their first choice and that person had declined to take the position, therefore, the board advised him that they wished to reevaluate the matter before proceeding.

(4)

#### REQUEST OF PATTY COLLINS - AFSCME REPRESENTATIVE

Commission Chairman Dixie Thompson advised that she had been contacted by Ms. Collins who is ill and is not able to be present. She had requested the Commission's approval to insert information about their organization with the county employee's payroll checks since they did not have access to a mailing list.

Commissioner Clyde Thompson made the suggestion that the information be made available for the employees to pick up if they so desired, but that it not be included with the pay checks. Commissioner Mark Justice expressed a concern about setting a precedent for including information with the checks and suggested that she be given a mailing list instead. Several of the elected officials and department heads indicated a concern over giving out the employees addresses, as they felt this may be in conflict with the employees right to privacy. County Assessor Jim Fauver made the suggestion that the employees committee be approached about this matter and then they could find out how the employees feel about this.

Motion was made by Commissioner Mark Justice to table this matter until next commission meeting so that they could talk to the employees committee. The motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### KURT BRASHER'S REQUEST FOR FENCE AND GATE ENCROACHMENT ON COUNTY ROAD 202

Kurt Brasher came before the Commission to request a fence and gate encroachment on county road 202. Rex Funk advised the Commission that the county has a small spur off of the Lawrence/Cleveland cutoff road just before 155 which is a quarter of a mile long and Mr. Brasher, not knowing any differently, had placed a fence and gate across this road which he has most of the use of. The road is an old lane that is accessible to only two or three farmers. Mr. Funk further advised that the fence is not an obstacle and he feels that the neither the fence nor the gate would be a problem. Mr. Brasher had been advised to get approval from the Commission and had been further advised that the gate

is not to be locked, that it remain accessible to the normal users and maintenance crews and that no private signs are to be posted.

Motion was made by Commissioner Clyde Thompson to approve the encroachment for Mr. Brasher. The motion was seconded by Commissioner Mark Justice and approved by all members present.

(6)

#### APPROVAL OF CONTRACT FOR DOCUMENTING EMERY COUNTY RS-2477 ROADS

Commission Chairman Dixie Thompson indicated that the county has been working with some gentlemen who were helping to inventory the RS-2477 roads but that this has been a very slow process and is not getting done as quickly as it needs to be. She stated that the county now has the opportunity to contract with Mr. Bryan Bremner to handle this documentation. Mr. Bremner is a licensed state engineer who is employed by Garfield County but who has worked for other counties doing this same type of documentation and is extremely knowledgeable and experienced in what is needed to be done. She further indicated that there are funds available from the Road Department to cover this.

Commissioner Mark Justice expressed some concern over some parts of the contract in that it did not specify a time frame for the completion of the work and that it included travel reimbursement at the rate of 30 cents per mile while the county reimburses employees at the rate of 26 cents per mile. Commissioner Justice also expressed concern over the fact that the contract includes payment of expenses at cost plus 15%.

Rex Funk advised the Commission that Mr. Bremner is really the only person he knows of who is qualified to do this job in such a way that it will stand up against any claims by the BLM and that the work he has done for other counties has been very reasonable as far as cost. He further advised that he believed Mr. Bremner travels by plane which he flies himself and uses the plane to aid in surveying the roads and this might be part of the reason that the mileage rate is higher.

Commissioner Justice inquired if anyone in the Road Department or Johansen and Tuttle Engineering could do the documentation. Mr. Funk said that he had talked to Craig Johansen and Mr. Johansen had indicated to him that he did not wish to take on this project. Commission Chairman Dixie Thompson advised also that it would be more likely for the documentation to stand up against any litigation brought against it if Mr. Bremner, who is a licensed state engineer, did the work than if someone in the Road Department did it.

Commissioner Clyde Thompson indicated that he did not have any problem with the mileage reimbursement at the rate of 30 cents per mile as it may be that this would be to cover the transportation of equipment. He also agreed with Commissioner Justice that the contract needed to include a date for completion of the work.



Motion was made by Commissioner Mark Justice to approve the contract based upon clarification about the expense items referred to and the addition of a satisfactory completion date. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(7)

BRYANT ANDERSON, ECONOMIC DEVELOPMENT BUSINESS

Bryant Anderson came before the Commission on the following items:

Manco Mining has completed its 30 day period and would now like the Commission's approval of a mine site plan. Motion was made by Commissioner Mark Justice to approve a mine site plan for Manco Mining. The motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Stan Jackson and Associates has a bentonite mine located about 16 miles from the I-70 Fremont Junction turnoff. They would like to explore the quality of the bentonite and also the market for the bentonite and are requesting a 90 day permit to start doing that. The agreement would be subject to review by the County Attorney's office and also the approval of a road encroachment permit.

Motion was made by Commissioner Mark Justice to approve a 90 day permit for Stan Jackson and Associates. The motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Kevin Jensen has submitted an application for a business license for a photography business wherein he would be taking pictures of homes. This business will be conducted from his home. Motion was made by Commissioner Mark Justice to approve the business license for Kevin Jensen. The motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

PLANNING AND ZONING RECOMMENDATIONS CONCERNING GRD

Commission Chairman Dixie Thompson referred to a memo that she had received concerning problems with GRD and asked the other commissioners if they had had the opportunity to read the memo.

Commissioner Mark Justice indicated that his concern was that this was a legal issue involving GRD, Nielson Construction and Johansen and Tuttle and for the county to enter into this before the issues are resolved between those three parties would be premature and, further, to release any funds at this time would be indicating that the county had made a decision about who was right.

Rex Funk advised that another problem was that GRD was hauling on roads without the appropriate permits. He indicated that they had refused to sign the permits and were not abiding by the conditions that were agreed to.

Commissioner Mark Justice suggested that the county contact the funding source for GRD and explain what our problems are.

Commission Chairman Dixie Thompson agreed that the county has some concerns about GRD's disregard of the roads and of the site plan approval but that the matter needs to be referred to the County Attorney's office for their recommendations.

Motion was made by Commissioner Clyde Thompson to table this matter until the County Attorney's office has reviewed it. The motion was seconded by Commissioner Mark Justice and approved by all members present.

(9)

#### JUSTICE COURT'S HANDLING OF CITY CITATIONS

Orangeville City - Justice Court Judge, Stan Truman presented the Commission with a contract agreement with Orangeville City for handling their city citations which will remain in effect until January 1, 1992, after which time he will handle all their cases under House Bill 436. He indicated that after January 1, 1992, the county should probably enter into some type of agreement with Orangeville concerning prosecution of their cases.

Huntington City - Justice Court Judge Stan Truman advised the Commission that Huntington City had signed an agreement with Traffic Safety Technology Company on October 7, 1991 for a six month period; that six month period will expire on March 7, 1992. After February 2, 1992, they will no longer have accessibility to a court in Huntington; they have until February 2, 1992 to certify their court but it appears they will not apply for certification. They have asked if the county will honor the city's contract with Traffic Safety Technology and give \$20.00 on each conviction to TST. Judge Truman felt that the county was under no obligation to do so.

Motion was made by Commissioner Clyde Thompson not to honor the contract between Huntington City and Traffic Safety Technology Company. The motion was seconded by Commission Chairman Dixie Thompson and approved by all members present; Commissioner Mark Justice was absent at this time.

(10)

#### PERSONNEL MATTERS

Leslie Bolinder presented the following Personnel Action Forms for consideration on behalf of the Personnel Director, Pat Snowball:

Castle Dale Library - Assistant Librarian - Presented was the Personnel Action Form for Colleen Murdock to be hired as an Assistant Librarian at the Castle Dale Library to be paid at the rate of \$4.89 per hour with no benefits. Mrs. Murdoch was hired to fill the vacancy of Ann Dziuk. Effective date is October 29, 1991.

Weed and Mosquito - Seasonal Employee - Presented was the Personnel Action Form for Gerald Copatch to fill the position which will be supervised by the Weed and Mosquito Department and funded by the Road Department. This is a seasonal position, approximately 10 weeks, and will be paid at the rate of \$7.48 per hour. Effective date is November 4, 1991.

Sheriff's Office - Dispatcher - Presented was the Personnel Action Form for Shawn Roper to be hired as a Dispatcher at the Sheriff's Office at a Grade 9 Step 1 to be paid \$1,671.00 per month. Effective date is November 15, 1991.

Motion was made by Commissioner Mark Justice to approve the Personnel Action Forms of Colleen Murdoch, Gerald Copatch and Shawn Roper as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Jami Luce - Salary Increase - Presented was the Personnel Action Form for Jami Luce for a wage increase, since she has completed her six month probationary period. She is a legal secretary in the County Attorney's office working 3/4 time. Motion was made by Commissioner Mark Justice to approve the personnel action for Jami Luce which authorizes a wage increase from \$8.10 per hour to \$8.60 per hour. Effective date is October 1, 1991. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

#### REPORT ON "SUPERHOST TRAINING" SPONSORED BY CASTLE COUNTRY TRAVEL COUNCIL

Leslie Bolinder came before the Commission to report on the "Superhost Training" that she and others had attended last Friday. "Superhost Training" is a co-operative training program offered by the BLM, State Parks and Utah Travel Council. This was an all day seminar at which they were taught to be courteous to employees, tourists or customers. They were instructed on how to remember names, how to open conversations, communication, how to handle complaints and good customer relations. Mrs. Bolinder requested that this training be brought to the county employees. She advised that the cost would be for materials only. Although this had been an eight hour seminar, it was her belief that the materials could be purchased and that the employees who had received the training could present a much more condensed version which would only take between two to four hours.

Commissioner Mark Justice, who had also attended the seminar, indicated that this was a very beneficial program and recommended that it be brought to the employees. Commissioner Clyde Thompson commented that he was familiar with the program and advised that there were certified trainers with the Green River Travel Council who could also participate.

Motion was made by Commissioner Mark Justice to pursue this matter with the department heads and elected officials to see if they would like to participate in the program. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

#### ROAD DEPARTMENT BUSINESS

Rex Funk advised the Commission that he had received a response from Johansen and Tuttle Engineering concerning Horse Canyon. They had recommended that it will take \$10,500.00 to repair the damage from the flood last September. Since this is under the \$12,000.00 sealing, Mr. Funk asked the Commission for permission to have Johansen and Tuttle contact our local contractors, rather than advertise in the paper, and have them go out to the site and submit bids. He indicated that this has been done in the past and that there is a need to get this completed quickly because there has been quite a bit of vandalism to signs and barricades in that area.

Commissioner Clyde Thompson made a motion to give permission to Johansen and Tuttle to contact the local contractors in this matter. The motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

Rex Funk further advised the Commission that Ferron City had contacted the Road Department concerning a 10 wheel end-dump tractor that was written off of the fixed assets list on February 7, 1990. The Road Department has no use for this particular vehicle and the longer it is kept, the more maintenance has to be done on it. Ferron City would like to buy it. Mr. Funk put a value on it of about \$7,500.00.

Commissioner Clyde Thompson made a motion to sell the 10 wheel end-dump tractor to Ferron City for \$7,500.00. The motion was seconded by Commission Chairman Dixie Thompson and approved by all members present; Commissioner Mark Justice was absent at this time.

(13)

#### COMMISSIONERS REPORTS

Commissioner Clyde Thompson had noting to report at this time.

Commissioner Mark Justice:

1. He indicated that the Commission had authorized the Sheriff's Department to place an order for one fire truck and eight mini pumpers. He presented the two contracts for that equipment to the other commissioners for their approval and signatures.

2. He reported that last Commission Meeting Scott McArthur had made a request to purchase a piece of property that the county owned and which was adjoining to the back

of Chester Brasher's property in Huntington. The motion was made that the sale would be approved based on notifying Mr. Brasher

to see if he had any objection. When contacted, Mr. Brasher said that years ago his father had deeded that strip of land to the county so that the neighborhood could use that as a roadway into the interior of the block. This lane is also used by the adjoining property owners, Reed Black and Kim Earl, to access a garden spot. They object to Mr. McArthur buying the property because he intends to shut off the lane.

Commission Chairman Dixie Thompson:

1. She reported on a NACCO meeting that she had attended at which the regulations governing landfills were discussed. The law, known as Subtitle B, was passed in 1984 and the EPA just finished the stipulations. She indicated that it is going to be very restrictive to municipal and county landfills. The major provisions are going to include location restrictions, operating criteria, design criteria, ground water monitoring and corrective action, closure care and financial assurance. It will take about two years for the State to review this and decide what they want to do, but in the meantime the county is responsible for Subtitle B. She said that some areas are considering having regional landfills because of the expense that these regulations are going to incur. The county will have until October 9, 1993 to decide whether the county wants to cover up the landfill and walk away from it.

2. She further advised that she was asked to read the draft environmental impact statement. She said that she had a real question about the salinity project which concerns the water coming out of Huntington, Ferron and Cottonwood creeks because it includes an exchange of at least 200 acres of private ground, that would be given to the Division of Wildlife Resources, for wet land. She is going to meet with the canal companies about that. She indicated that there were also many issues that the statement did not address. This is to take effect November 13, 1991 and the county must get it's statement submitted to them.

(14)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the Commission meeting at 8:17 p.m.

ATTEST

CHAIRMAN

ComMin11-20-91

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

November 20, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:06 a.m.

The invocation was given by Clerk, Bruce Funk.

A review of the agenda was made.

(1)  
COMMISSIONERS MINUTES

The minutes of the November 6, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Mark Justice to approve the minutes as corrected. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #913788 through and including #913985 for payment. Motion was made by Commissioner Mark Justice and seconded by Commissioner Clyde Thompson to approve the warrants for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
78	Metal Overhad/Cart Stand - Circuit Court	129.95	Approved
79	Five File Cabinets - Sheriff	1,017.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the requisitions for purchase. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(3)

## PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the Personnel Action Form for Teresa Manzanares. Mrs Snowball indicated that Teresa Manzanares has completed her six month probationary period. Therefore, she is requesting the appropriate pay adjustment. Whereupon, motion was made by Commissioner Mark Justice to approve the Personnel Action Form for Teresa Manzanares as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(4)

### COUNTY EMPLOYEE LEAVE PAYMENT

Auditor, Karen Truman advised the Commission that a County employee is wishing to make payments back to the County for advance payments made to them for meetings not attended. It was the employee's request that these be held from their payroll check. Whereupon, motion was made by Commissioner Mark Justice to authorize the withholding of the reimbursement monies due the County as requested by the employee. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

### CORRECTION TO TAX RATE ERROR IN GREEN RIVER

Auditor, Karen Truman advised the Commission that there was a need to correct a tax rate error on the Green River taxes. She requested that the County make up those differences from the County General Fund to be submitted to Green River. The error amounted to \$2,532.76. Whereupon, motion was made by Commissioner Clyde Thompson to authorize the Auditor's office to correct the tax rate and withdraw from the Emery County General Fund the amount of \$2,532.76 which is the difference that Green River would have received. These funds are to be submitted to Green River. Motion was made by Commissioner Mark Justice and approved by all members present.

(6)

### ADDITIONAL BLIND EXEMPTIONS

Auditor, Karen Truman advised the Commission that the County is in receipt of two late applications for blind exemptions. These applications are from Cloyd Fillmore and Cleo Johnson. Further discussed was that the State requires annual reapplication for those exemptions. Whereupon, motion was made by Commissioner Clyde Thompson to accept the blind exemption status for Cloyd Fillmore and Cleo Johnson for the current year as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(7)

## PERSONAL PROPERTY TAX ADJUSTMENT

Auditor, Karen Truman, for Assessor, James Fauver, advised the Commission of the need to have their approval to adjust the value on certain individual taxes. Wherein, a property has been assessed to include a mobile home which has been removed. On another property, a vehicle was attached to a wrong property. Whereupon, motion was made by Commissioner Clyde Thompson to make the necessary adjustments to the value on their taxes. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(8)

### CRAIG POWELL - REQUEST FOR NATURAL GAS IN CLEVELAND AND ELMO

Mr. Craig Powell presented to the Commission a petition from concerned citizens in Cleveland who would like natural gas available in the communities of Cleveland and Elmo. It was their feeling that it was unfair that they are the only communities without natural gas and could not understand why they were not given that opportunity. He advised that 85% of the residents have signed the petition and that he was only turned down by three. Therefore, the petition would represent about 90% of the people in favor of this. He noted that the school and church would be large consumers. The gas main is approximately 3 miles away. His request of the Commission is that because Mt. Fuel's unwillingness to respond to their request is asking the Commission to lend their support and effort as a governing board.

Commission Chairman Dixie Thompson advised that she would look into the matter. Road Superintendent Rex Funk commented that natural gas lines were originally installed in the County around the 1960's. Some communities chose not to have natural gas run to them, such as Emery. It was further recommended that contact be made with the Public Service Commission by city council members and the residents of both communities.

(9)

### PAINTING THE SWINGING BRIDGE

Mark Williams, together with Owen McClanahan, came before the Commission to see if the County would be willing to provide the paint and supplies to paint the swinging bridge crossing the San Rafael River. He proposed that as an Eagle Scout project, they would furnish the labor and paint it. Commission Chairman Dixie Thompson inquired as to the process for paint removal.

Road Superintendent Rex Funk discussed plans that the Road Department had, noting that paint is available and that an EIS has to be done. Concern is of pollution of the water ways, particularly of concern would be that the paint may contain leads.

The Commission asked for more time to research how to best maintain and preserve the bridge.



Mr. Williams further requested authorization of the Commission to begin a project wherein they would install signs along the Buckhorn road, identifying geological formations. Road Superintendent Rex Funk advised that the County is authorized to install only traffic control signs and all other signing should be through the BLM.

Mr. McClanahan advised that he gave the BLM plans several years ago for such signing and that no action has been taken. It was suggested that possibly they resubmit the plans to the County. The County would adopt the project, then resubmit it to the BLM. It was further noted that such signing is part of a brochure available to the tourists travelling the area.

(10)

#### PLANNING AND ZONING RESTRICTIONS ON STATE AND FEDERAL LANDS

Planning and Zoning Administrator, Bryant Anderson reviewed with the Commission the Utah State Statute 10-9-29 which becomes effective July 1, 1992. Wherein, the law would restrict planning and zoning activities on State and Federal lands. He noted that this would include most mining activities. He has discussed this further with consultant Rodney Despain who confirmed that this would eliminate County control on many large-scale projects. Their recommendation that the County get aggressively involved. It was his purpose to make the Commission aware of the matter at this time.

Commission Chairman Dixie Thompson noted that the Utah Association of Counties is working on land use planning. She noted that it would be approximately two years down the road before that would be completed. Therefore, it was the consensus of the Commission that this matter needs to be addressed before that time.

(11)

#### UTAH POWER AND LIGHT MARKET VALUE ADJUSTMENT

Treasurer, JoAnn Behling advised the Commission that upon request of Utah Power and Light, she has reviewed their records. She noted that they felt there was not a balance owing. Upon review, she was in agreement that it appears that they are current. It was, therefore, her request of the Commission that the following accounts be zeroed out, noting that this difference amounts to just over \$13,000: 9000012; 9010839; 9000087; 9000111; 9000160; 9000251; 2000319; 9000186; 9000947; 9001325; and 9000962.

Whereupon, motion was made by Commissioner Mark Justice to authorize Treasurer, JoAnn Behling to adjust the requested accounts to zero in correcting the oversight. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

#### UAC CASH FLOW BORROWING PROGRAM - RESOLUTION 11-20-91A

County Attorney, Scott Johansen presented to the Commission for their consideration Resolution 11-20-91A. This Resolution would declare an intention of Emery County to arrange short-term financing as well as cash flow borrowing on Tax Anticipation Notes through the UAC program for the year 1992. His questions of the Commission are 1) are they desirous to participate in the program and 2) in doing a Tax Anticipation Note, lease purchase on road equipment and fire trucks would have to be deducted from the eligible amount.

Commissioner Mark Justice inquired of County Attorney, Scott Johansen the benefits to the County by participating, and would this hurt local banks. Mr. Johansen responded that because of the number of Counties participating they would combine for a larger issue, attracting lenders out of state. There would be a possible savings on the issuance cost. He also anticipated the gap between the borrowing rate and savings rate would be larger and therefore a benefit to the County. He further advised that he has been assured that this would not effect the strength of local banks. In response to Commissioner Justice's further inquiry, Mr. Johansen advised that he assumed it was a commitment for the year 1992 only. It was agreed that this be clarified and inserted into the documentation.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 11-20-91A, declaring Emery County's intention to arrange short-term financing through the UAC combined cash flow borrowing program for the year 1992. Motion was seconded by Commissioner Mark Justice and approved by all members present.

In regards to the Tax Anticipation Note, County Attorney, Scott Johansen wanted to know what the Commission intends to do in regards to the purchase of the road and fire equipment. He emphasized that UAC is anticipating Emery County's Tax Anticipation Note at \$4.8 million and that any borrowing is against and deducted from that amount, including anything done by the Special Service Districts. No action was taken at this time.

(13)

#### PLANNING AND ZONING RECOMMENDATION - CEASE AND DESIST ORDER ON GYPSUM RESOURCE DEVELOPMENT

Planning and Zoning Chairman Tracy Jeffs came before the Commission to discuss and present to them the Planning and Zoning recommendations regarding Gypsum Resource Development. The Planning and Zoning Commission recommended to the Commission: 1) That GRD be issued an order to cease and desist development of the mine site under its expired temporary conditional use permit. 2) That although the Planning Commission has no legal authority over the distribution of the bond, they recommended those funds be disbursed to Nielson Construction and Johansen and Tuttle Engineering. 3) That a new bond be submitted and GRD reapply for necessary permits in order to continue with the development. It was noted

that the action of the Zoning Commission passed unanimously. This recommendation was as a result of their meeting on October 24, 1991.

Mr. Jeffs went on to advise those present that GRD is in violation of agreements. Presently they have outstanding debts to Johansen and Tuttle Engineering of approximately \$11,000 and Nielson Construction for \$149,000. He noted that there is a \$100,000 surety bond for road and mine reclamation. It was further noted that of that amount, \$10,000 is obligated to the BLM for site or mine reclamation. It was further discussed that such a cease and desist order would require a couple of months for them to come back into compliance. It was noted by Mr. Jeffs and Commission Chairman Dixie Thompson that this places an obligation on the local tax payers and local suppliers if these debts are not paid and the matters resolved since this work was done on a County road.

Deputy County Attorney, Patricia Geary advised the Commission that they need to vote on 1) whether to allow GRD to continue operation, whereas they are in violation of an Ordinance, 2) since they are in violation, that the Commission would make disbursement of the monies held in trust.

Commissioner Mark Justice, in referring to a FAX memorandum having been received from Curtis Larkin of GRD, addressed to Bryant Anderson, wherein Mr. Larkin has agreed to this disbursement of those funds, retaining a \$25,000 road encroachment bond. The Commission noted that a \$10,000 site or mine reclamation is also required. It was his suggestion that we pay this down to the \$35,000 after advising GRD of the County's intent to do so.

County Attorney, Scott Johansen advised that release from the County by the creditors would be desirous. It is uncertain as to whether they would agree to do that with the reduced amounts. He further advised that the Planning and Zoning Commission has legal authority to issue an order to Cease and Desist. However, as Mr. Jeffs concurred, it was felt that the Board would like Commission approval to proceed with the order.

Planning and Zoning Administrator, Bryant Anderson advised that from his standpoint as Economic Development, that this may have an adverse effect on the project, but was willing to support the Commission in their action.

Whereupon, motion as made by Commissioner Mark Justice, noting that based upon the recommendation of the Planning and Zoning Commission, that GRD is not in compliance with the road encroachment permit or the mine site, that the Commission support and ratify the cease and desist order. This is to be issued to Gypsum Resource Development until such time as they come into compliance. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

A second motion was made by Commissioner Mark Justice that upon receipt of that notification, that the County withdraw \$65,000 of the \$100,000 surety bond which GRD has on deposit with Emery County. Wherein, Emery County would enter into

negotiations on the balance, making such disbursements to Johansen and Tuttle Engineering and Nielson Construction upon their agreement to hold the County harmless from any further action. This is not precluding any action taken by the parties against GRD for the balance. Motion was seconded by Commissioner Clyde Thompson. Commission Chairman Dixie Thompson voted nay, noting that she is not comfortable in the County's position and since work was done on the County road, her concern was the creditors might come back on the County. Whereupon, motion passed.

(14)

#### REIMBURSEMENT FOR PLANNING AND ZONING BOARD MEMBERS

Mr. Tracy Jeffs, Chairman of the Emery County Planning and Zoning requested that the Commission in the future give consideration for reimbursement of travel and such expenses for Board members. He noted that there is some travel from the Green River area. No action was taken at this time.

(15)

#### STATUS OF PACIFICORP/OSM LAW SUITS

Commission Chairman Dixie Thompson, together with Deputy County Attorney, Patricia Geary advised those present of the pending law suits wherein there is a continuance to March. DOGM is becoming involved. There is a public hearing in Salt Lake City on December 5, 1991. Presently they are in the discovery process. It was noted that OSM has come into the County and issued cease and desist orders against Cottonwood/Wilberg, Deercreek and Genwal Mines declaring they are in violation. OSM wants the authority to permit the roads and that such non-compliance can require a cease and desist order. As such, this would take control over our economy. The Commission was further advised that SUA and the Sierra Club have also become involved in support of OSM.

(16)

#### COMMISSIONERS REPORTS

Commissioner Clyde Thompson:

1. He advised that recently a group of ranchers met with SUA and the Sierra Club to find some common ground in settling the wilderness issue. Thereafter, they were referred to Bill Howell. Mr. Howell reported back that the wilderness groups are not willing to compromise.

Commissioners Reports, cont. . . .

Commissioner Mark Justice:

1. Bookmobile Discussion: Commissioner Justice advised that he has received phone calls from concerned citizens on the discontinuance of the Bookmobile. Therefore, he turned the time over to Mr. Lavon Day of Ferron Elementary who addressed the Commission.

Mr. Day advised that not until last week were teachers advised that the Bookmobile would be terminating their service. His concern was the impact upon education and felt it was very essential to the students education. He noted approximately 7,000 books have been checked out during the year. It is an advantage to the class because they can obtain those books necessary through the Bookmobile in approximately 15 minutes. It provides a very good introduction to libraries. His inquiry of the Commission was as to appropriate action whether petitions, etc., in order to retain the Bookmobile service until such a time as it is determined that it is or is not an essential part of the education system.

Lana Thomas, President of Castle Dale Elementary PTA; Tawny Worthen, Castle Dale Elementary; and Marianne Day, were also present at this time. Lana Thomas addressed the Commission, noting that she was not aware until yesterday, having received calls from parents, that she was made aware of the closing of the Bookmobile. She presented to the Commission petitions from the Castle Dale Elementary teachers in support of the Bookmobile. She noted the problems of inconvenient hours and location of the County library located in Castle Dale. It was noted that parents would not transport children to that library after school hours and that the school will not avail itself of the books. It was further noted that the library in the school itself is inadequate. It was pointed out that the Bookmobile is an enhancement to the school libraries.

Mr. Day pointed out that from the principals meeting there was near unanimous support. Carol Larsen, Orangeville Librarian indicated that she felt like the Bookmobile was duplicating services offered by the County libraries. She noted that those services that people request of the Bookmobile are available through the libraries. It was the recommendation of Mr. Day that the Commission keep the Bookmobile until such time as the libraries can demonstrate that they are meeting the needs. He suggested that the Commission investigate this further, feeling that it is an unwise move at this time.

Commission Chairman Dixie Thompson, inquiring of those present if they felt all school library facilities are inadequate. Mr. Day responded that the Bookmobile is simply an extension.

Commission Chairman Dixie Thompson further advised that in the past, the school district has put in only \$5,000 towards the Bookmobile. She felt also that it was a duplication of services, noting that it should be a School Board issue.

School Board Chairman President, Wes Curtis indicated that this is the first that he had heard about the concerns and issues. The School Board has supported the Bookmobile to a large level and financially as requested. They have not been approached in regards to terminating this service. He felt that the County and the School District need to formally get together and discuss the termination of such service.

Commission Chairman Dixie Thompson advised that the Library Board had looked into all issues and that those savings would enhance the present libraries. She further noted that in the future all librarians would be required to be certified. Presently, the County Librarians are. It appears the County Library system is presently supplementing the schools which have a greater tax base.

Commissioner Clyde Thompson responded that this issue has not received enough input. Input needs to be received from the public, the schools and the PTA and that the County should possibly back up and discuss this further with the school district.

Commissioner Mark Justice after inquiring of those present as to support for retaining the Bookmobile, suggested and it was his motion that the Commission take a step back and reconsider this matter. Also, to obtain additional input from all parties on retaining the services of the Bookmobile. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Commission Chairman Dixie Thompson noted the interest in the Community and lack of initial input. She recognized the action was a Library Board decision. It was at the request of Wes Curtis and agreed by the Commission that this be placed on the next Commission meeting agenda.

2. Commissioner Mark Justice noted that he felt very favorable regarding the tax and revenue issues discussed at the UAC meetings in St. George particularly in regards to UP&L and their protests. Wherein, the State Tax Commission would have to properly notify the County and that the County would be part of those negotiations to resolve those issues. He further advised that Assessor, James Fauver was successful in getting through UAC a full-time tax evaluation expert. Each Counties share would be funded through Assessing and Collecting.

Commission Chairman Dixie Thompson:

1. She discussed with the Commission their impressions of the presentation at the UAC meetings in regards to the budget and planning control cost allocation. (It was agreed by the Commission that there was a consensus of support but needed to be properly presented for further consideration.)

2. Land Use Planning: All Counties voted unanimously to address every situation and the uniqueness of each County in such a plan. After which they would put together a State plan. It was noted that the State would help with those expenses. Some of the expenses would be solicited from such companies as UP&L and other private business who benefit from such legislation.

Also discussed by those present was Jake Garn's introduction of a PILT Bill. The large number of co-sponsors and suggested that any legislators not part of that be contacted and asked to also co-sponsors to insure its passage which would greatly benefit the County.

(17)

KIRK BRASHER - FENCE/GATE

Road Superintendent Rex Funk came before the Commission to review action taken by the Commission in the November 6, 1991, Commission meeting, item 5 and his discussions with the parties involved. Commissioner Mark Justice noted that he had visited with the parties, but felt that if they could get together that things could be resolved. Commission Secretary, Leslie Bolinder advised that Mrs. Lions has been into her office on a number of times and presented documentation and pictures. It was the consensus of those present that the Commission do nothing at this time. It was agreed that the minutes represented no more than what both parties were in agreement with. The concern now is that a piece of loose fencing was being stretched across while moving sheep.

After further discussion, motion was made by Commissioner Mark Justice to take no action at this time and to get the parties together to resolve the matter. Set by the Commission was the date of November 25, 1991, at 8:00 a.m. at the site. Motion was agreed upon by all parties present.

(18)

TEN MINUTE RECESS

Commission Chairman Dixie Thompson recessed the meeting for ten minutes at 12:32 p.m. Meeting reconvened at 12:42 p.m. with all members present.

(19)

BUCK HORN ROAD

Craig Johansen, of Johansen and Tuttle Engineering; Deputy County Attorney, Patricia Geary; and Road Superintendent, Rex Funk were present to discuss the Buck Horn Wash road. Craig Johansen gave the history on the Buck Horn road, noting that the efforts of the County have been to keep it as a safe and all season road. They have worked with the BLM in the past, replacing and improving many of the drainages. Upon request of the BLM, it appeared that the intention of the County was to improve the entire length of road, that a permit application be filled out to cover the entire road. Since that time, the County had applied the services of an aerial photographer, necessary drawings and permits have been prepared. Those having been submitted to the BLM in the summer of 1989. The County having now spent over \$30,000 in preparation and permitting to this date with no response from the BLM. Further discussed was the need to proceed ahead

and how the County could best do that. It was the consensus to further evaluate the County's direction with appropriations to be considered in the budget process.

Whereupon, motion was made by Commissioner Clyde Thompson to authorize the County Attorney's office to consult with other legal counsel in making a determination on which areas the County can best proceed at this time. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(20)

#### TEMPORARY ADJOURNMENT

Commission Chairman Dixie Thompson temporarily adjourned the meeting at 1:47 p.m. to reconvene at 7:00 p.m. for a Public Hearing on the proposed Fire and Recreation Districts.

(21)

#### PUBLIC HEARING - CONSIDERATION FOR CREATING A SPECIAL FIRE DISTRICT

Commission Chairman Dixie Thompson reconvened the Commission meeting at 7:03 p.m. and opened the meeting for a Public Hearing for public comment on Commission consideration on creating a Fire District.

Commissioner Mark Justice, giving a brief back ground noted that this district would build upon the present system and maintain the present structure. There would be a representative from each fire department of the Board. The Sheriff would retain his position. The reason for creating a District is a matter of money. Presently, the County has on order approximately \$700,000 worth of fire equipment. Through creation of such a District, CIB funds could be solicited. He emphasized that in regards to the communities, that they could enter into cooperative agreements with all entities.

Commissioner Justice, in responding to a question from the audience as to whether the County was selling bonds, he emphasized that the County does not anticipate borrowing money. At this time, Commissioner Clyde Thompson advised the public what CIB funds are and how they are derived. Commission Chairman Dixie Thompson noted that Emery County only receives 15% on mineral lease monies back.

Kent Wilson inquired as to what the tax process would be. County Attorney, Scott Johansen advised that before any tax could be levied by the district, it would have to be put on the ballot by petition and go to the vote of the people. This also applies to any borrowing, indebtedness or taxing.

Allen Almond, Huntington City Council, reviewed loans and grants Huntington City had received from CIB. He indicated that the CIB response to them is why other Emery County entities had not be in after more money.



Mr. Tom Humphrey, Orangeville Council Member, mentioned that in going before the CIB, they had been turned down as many times as they had received money. He indicated that he was not opposed to the Fire District, but that the Commission needed to meet with the cities and discuss these (both districts) further. He further indicated that he would like further questions answered before Orangeville could fully support it.

Commission Justice, in responding to some of those questions, pointed out that the organization structure would remain the same and suggested that they meet over the next few weeks and clear up any other concerns.

Rue Ware, of Orangeville, asked the Commission to clarify if those grants being received deducted from PILT monies of the County.

Sterling Umphenour inquired as to the taxing ability of the District. It was emphasized that there was no taxing authority unless an election was held. He further inquired as how that District would receive funds if being a separate entity. The Commission advised that monies would be received from CIB and would remain part of the County budget.

At this time, Sheriff, Lamar Guymon gave history as to how the present Fire Board is made up.

Mr. Gene Hess inquired as to loans versus grants, noting that a loan would be an indebtedness upon property owners.

(22)

#### CLOSING OF THE FIRE DISTRICT PUBLIC HEARING AND OPENING OF THE PUBLIC HEARING ON THE RECREATION DISTRICT

Commission Chairman Dixie Thompson closed the Public Hearing at 7:30 p.m. for public input on the Fire District and opened the meeting for a Public Hearing and public comment on the consideration to establish a Recreation District.

Mark Tanner, representing the Emery County School District addressed the Commission, advising them that presently the School District has part of their tax collection for recreation. His concern is that creation of such a district by the County would not impact or negatively impede the School District's ability to utilize those funds in the future.

Commissioner Mark Justice noted that it was not the intent to assume the school's role, but possibly enter into cooperative joint agreements, such as was done this past year in improving a ball facility.

At this time, Commissioner Justice explained the reasons for creating the Recreation District. He recognized that the Fire District is viewed in priority and importance. A Recreation District has merit. He further emphasized the need for facilities and asked County Attorney, Scott Johansen to review the boundaries and the making up of the

Board. Mr. Johansen responded in that it would require a representative from each of the municipalities on that Board and the County could have three to seven appointed members. All cities are included, Utah Power and Light plants as well as the mines. Only the incorporated areas and agricultural areas have been excluded.

Bruce Funk indicated many of his concerns had been addressed. First, there had been assurance in that taxes could not be levied without a vote of the people. He questioned the inclusion of large taxing entities and the exclusion of residents living outside the municipal boundaries feeling a need that they should also support it. Recreation means many things to many different people. Possibly matters such as these (Fire and Recreation Districts) need to be put on the ballot for the citizens to consider and decide so that they may be fully understood and debated.

Kent Peterson addressed the Commission at this time expressing that he sees some good in this. The County is sending out a lot of dollars and would like to get our share back. He asked why the golf course was excluded. Commissioner Justice indicated that they did not want to impose upon the golf course, it being a Ferron City facility. He noted that the CIB has used the golf course as an example of a good project.

Larry Harrington inquired as to the cost to operate the Board. Commissioner Justice noted that both the Fire Board and the Recreation Board would be strictly volunteer except possibly with the travel expense reimbursement.

Tom Humphrey, of Orangeville, inquired as to projects presently being considered, such as a golf course and what percentage of the population would benefit from such a recreation district. He emphasized that Orangeville is presently working to improve their ball fields. He again suggested that the cities and county needs to discuss these two types of Districts since their boundaries overlap.

Public Hearing, Creation of Recreation District, cont. . . .

Joel Jensen, of Emery, inquired if funds received could be used to solve receiver and transmitter problems in Emery. Sheriff, Lamar Guymon noted that Fire District funds would be used to purchase only fire equipment. The other matters are being resolved by the County.

Wayne Staley, of Emery, pointed out that as a tax payer, he did not want to see millions of dollars in bonding and wanted reassurance that it would not show up in his taxes.

Janice Winn, Operator of the Castle Dale Swimming Pool, noted that one of the complaints she commonly receives is that people are already paying for recreation, but felt there was a need for increased recreation to bring the cities together.

Gene Hess, of Utah Power and Light, questioned the Commission as to their plans on taxing for recreation, why they are including and excluding certain properties and what would be the impact upon those participants. He reviewed projects in Helper and Price developed as cities. He noted that the separate governing entities in Emery County have that same ability. He again inquired as to why certain properties had been excluded. He noted that Utah Power and Light has received notification from outside parties to the opposition of Utah Power and Light participating.

Commissioner Mark Justice responded in that the purpose of this meeting is strictly to receive input and that no decision will be made this evening. This is the start of a process to contact all parties and to bring them into agreement. He felt the exclusion of agricultural ground were because those single families would benefit very little from such a district. He again emphasized it is not the intent to tax.

Jan Hess questioned the Commission as to the need to establish such a district. She questioned the need for recreation and the possibility that there is plenty of recreation.

Further comments were received from Kent Peterson, who noted that the Ferron Golf Course is the best thing that has ever happened to the County. Bruce Funk pointed out that in soliciting funds from the CIB, that matching funds or low interest loans would be more likely available to creating indebtedness by the district. In the creating any facilities, operation and maintenance budgets are necessary in which the CIB would not participate. Therefore, these are new funds which would have to be derived from the County or through a taxing process.

Val Young noted that in his travels through Carbon and Sevier Counties, he notes the number of local youth in those Counties seeking recreation. He also discussed that such increased recreations would be of benefit to the County in that additional revenues would be received through motels, fast foods, service

Public Hearing, Creation of Recreation District, cont. . . .

stations and other types of facilities as confirmed by Kent Wilson who indicated that during the ball season in Huntington, it brings several thousands of additional dollars into his business. He further discussed that this is why Green River promotes such recreation activities in their area.

Rue Ware discussed that some years ago, a pool facility and other recreational facilities were discussed jointly with the school and County. Other successful joint ventures were discussed which had taken place throughout the State.

Mr. Harrington inquired as to the time table for the formation of a district. Noted for the minutes, there was a large number of people in attendance. Of those who signed in, not expressing comments were as follows: Colleen Evridge, Don Morlan, Allen B. Fausett, Kurt Price, Randy Winn, Janet Petersen, Coleen Beach, Jim Jewkes, Bart Cox, Sereta Snow, Warne Linton, Zenna Linton and Linda Jewkes.

There being no other public comments, Commission Chairman Dixie Thompson at 8:42 p.m. called the public hearing to a close, expressing thanks and appreciation for all those being in attendance and expressing their comments. She emphasized that the Commission will receive written comments during the next fifteen days.

(23)

#### MEETING ADJOURNMENT

Commission Chairman Dixie Thompson made a motion to adjourn the meeting at 8:42 p.m., seconded by Commissioner Clyde Thompson and approved by all members present.

ComMin12-4-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 4, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

(1)

#### PUBLIC HEARING - EMERY COUNTY GENERAL REVENUE AND EXPENDITURE BUDGETS - 1992

The meeting was called to order by Commission Chairman Dixie Thompson at 2:00 p.m. for a Public Hearing on the Emery County General Revenue and Expenditure Budgets as well as the Library, Transient Room Tax, Emergency 911, Economic Development/Planning and Zoning and the Castle Valley Special Service District.

Those present at this time were Darrel Leamaster, Administrator of the Castle Valley Special Service District; Auditor, Karen Truman; Commission Secretary Leslie Bolinder; and Sheriff, Lamar Guymon.

Commission Chairman Dixie Thompson recognized Castle Valley Special Service District Manager, Darrel Leamaster, and turned the time over to him to explain their budget.

Mr. Leamaster noted that his budget is made up of three budgets: Operation and Maintenance, Capital Projects and Debt Service. He indicated that Debt Service and Operation and Maintenance are the only two budgets which receive tax monies. The proposed budget is the same as the last several years, that in approximately \$880,000 from taxes for Operation and Maintenance and \$2.4 million for Debt service. He noted that they have sufficient reserves in order to have necessary cash flow without borrowing. He expressed that there is a possibility of considering refinancing of the refunded bonds because of the present low interest rates. If so, that would result in additional savings to the tax payer.

Mr. Leamaster handed to the Commission a list of the capital projects being considered for next year. He indicated those projects to be completed from present reserves as well as grants from the Community Impact Board. He further pointed out that the budget reflects an overall 3% cost of living increase and would be spread equally between all the employees. In responding to a question from Commissioner Mark Justice in regards to those amounts of reserves that the Service District has, Mr. Leamaster indicated that at the end of last year they had \$1.5 million in Debt Service and \$2.2 million in Capital Projects and estimate approximately \$200,000 presently in Operation and Maintenance. He further emphasized that the Castle Valley Special Service District Board has approved the budgets and recommends them to the Commission for approval.

Commission Chairman Dixie Thompson inquired if there were any comments as to the Castle Valley Special Service District Budget. There being none, opened the meeting for public input on the Emery County Revenue and Expenditure Budgets at 2:26 p.m.

Mr. Blaine Silliman, of Green River, indicated that he represents both the Gravity Ditch Company in Green River as well as a City Council Member. He asked for Commission consideration and help in flood control in Green River. This is on a ditch behind the High School. They are asking that the ditch be filled where it is presently washed out. Their request of the Commission at this time was for equipment. He noted that their water district has no funds available and that their assessment has been committed.

Inquired of Mr. Silliman if the County was to participate, what would be their liability. Mr. Silliman informed the Commission that the Ditch Company would cover any liability and has sufficient coverage. He further went on to suggest that what would be required would be possibly two weeks of a bull dozer or front end loader to move material, compaction equipment, water truck and a loader grader or back hoe, as well as the people to operate the equipment. At the very most, possibly \$10,000 in additional monies. This matter is to be given consideration during the budget process.

The Commission expressed appreciation to Mr. Silliman being in attendance. The Commission noted that \$1.7 million presently needs to be cut from the present tentative budget. Commission Chairman Dixie Thompson inquired of any other public comments

at this time. There being none, recessed the public hearing at 2.46 p.m. to reconvene at the public hearing at 8:00 p.m.

(2)

#### REGULAR COMMISSION MEETING

Commission Chairman Dixie Thompson called the Regular Commission Meeting to order at 6:08 p.m. with the following present: Commissioner Mark Justice; Commissioner Clyde Thompson; County Attorney, Scott Johansen and Clerk, Bruce Funk. She recognized and welcomed the large crowd in attendance.

The invocation was given by Commission Chairman Dixie Thompson.

(3)

#### COMMISSION MINUTES

It was the consensus of the Commission that the November 20, 1991, Commission meeting minutes be held for review until the next Commission meeting in that they had just been received and did not have sufficient time to allow for review.

(4)

#### BOOKMOBILE DISCUSSION

The Commission recognized the Bookmobile being on the agenda as agreed upon in the previous Commission meeting and recognized the absence of Wes Curtis who could not be in attendance because of other obligations.

Commission Chairman Dixie Thompson opened the meeting for public comments in regards to the Bookmobile. Those present who signed in are as follows: Carole Larsen, Verda Miller, Claudia Marietti, Dorothy Taylor, Stewart Behling, Leona Behling, Virginia Snow, Toinette Thomas, Victoria Jacobsen, Tom Smith (in favor of Bookmobile), Carol Ediger, LaRita Nelson, Christianne Nelson, Wendy Hodson, Sharla Nielsen, Tami Petersen, Kathleen B. Petersen, Lana Thomas, Naoima Oman, Tannie Worthen, Shauna Killpack, James Killpack, Lavon Day, Marianne Day, Sharon Smith (in favor of Bookmobile) and Gerry Mortensen.

Speaking on behalf of the group was Kathleen Peterson, Principal of Ferron Elementary. She discussed how the school has utilized the Bookmobile and accommodates their projects. She further noted that the school only found out about the closing of the Bookmobile after notification by the driver that books needed to be returned to the Bookmobile. She went on to point out that in the past, they have tried to use the Ferron County library, but had been turned back, particularly on class projects. It was her recommendation that the Commission retain the services of the Bookmobile until such time that working relationships can be established that serve the needs of the students.

She emphasized that the local library is unable to provide the number of books that the Bookmobile presently does. They have surveyed both citizens and students. The students have indicated that the Bookmobile was their first choice as a library. It is an extension of the library. They further have sent out questionnaires and those parents responded in support of it. (Those being submitted to the Commission at this time.)

In response to a question from Commissioner Justice, Mrs. Peterson advised the Commission that only one parent had returned the questionnaire in support of the discontinuance of the Bookmobile. In response to an inquiry of Commissioner Justice, and also the potential to serve, she indicated that at times it is difficult for students to go to the library because of crafts going on and the disruption to other users when a class is brought in.

Dorothy Taylor, Head Librarian at Ferron - She noted she has been in that position for ten years and that she has never deliberately turned away anyone. The decision not to use the library at the school was a directive from Dr. Mower, the former Principal. She noted that she would do all she could to take care of the needs. Her main concern is to get books back and that no one has been willing to accept responsibility for those books the students check out and lose. She further emphasized that the library needs to serve all the general public. Her proposal was that if the schools need the bookmobile, then it should be financed by the schools.

Naoima Oman, Castle Dale Elementary - She indicated she was present representing herself as an avid reader. She expressed that she needs extra books to read, including her family members and the additional variety that the Bookmobile offers meets her needs. The money saved is not enough to supply her needs at a County Library facility. She felt that a vote for discontinuance of the Bookmobile is a step backwards.

Lana Thomas, Castle Dale PTA Representative - She inquired of the Commission if they had received the letter from Mrs. Huntington, Principal of the Castle Dale Elementary. The Commission having received that letter, she highlighted some of the points therein, recommending that they work together.

Carole Larsen, Orangeville Library - She felt that they needed a working relationship and that it needed to be tried. The schools would not upgrade as long as the Bookmobile is maintained in service. She felt her library can accommodate both the public and the schools.

Also presented to the Commission at this time were two petitions containing 323 signatures collected from throughout the communities in Emery County as well as several letters in support of discontinuance of the Bookmobile.

Coralee Ouzts, Castle Dale Elementary Teacher - She felt the Castle Dale Library was a disadvantage to the Castle Dale Elementary School in that it would require one hour to hear the children down to the library and back to the school. She noted that with other schools, the advantage with the Bookmobile is that it can be done within 15 minutes. The County library is inconvenient to those schools in Castle Dale.

Verda Miller - She questioned those present in their comment as to how the Bookmobile handles a whole class of approximately 30 students. She noted that as such, they cannot receive the individual attention.

Shauna Killpack, Ferron Elementary Teacher - She noted that two years ago, the students were taken to the Ferron Library weekly. Some time later, they were advised that they could not go over and use that facility. She did not know whether the librarian or the previous administrator had made that decision. She felt that the library would need more help if schools were to use the library. She felt uncomfortable to take students to the library. She noted that she had been informed that teachers would be responsible for the students and books. As a teacher, she did not want that responsibility.

Dorothy Taylor, in responding, pointed out that last year they lost 200 books through the school and it was from discussions with Dr. Mower, who in turn instructed the teachers not to use the facility. She had simply asked for school assistance and indicated that parents have also indicated they did not want to be responsible.

Virginia Snow - She commented that it seems like a lack of communication. Each is providing a good service and striving to do well. She inquired as to what has brought us to this point. Whether it is communications, finance or duplication.

Verda Miller, Chairman of County Library Board - In responding, felt that there was a duplication of services. She discussed the need for accreditation. They have met other years and discussed this with the School Board and teachers. The statistics would indicate those who are using the Bookmobile, that service would swing to the library.

In responding to questions, others pointed out that the libraries could provide the rotating book service. The County budgets \$18,000 for the Bookmobile service. The School District, budgeting \$5,000. The balance coming from State grants. There is a need to work together until the service at the libraries can be established. Also questioned was as to whether the library hours could be improved or lengthened out to make them more accessible.

Commission Chairman Dixie Thompson emphasized that the School District has a greater tax base and that County funds need to be used in upgrading the facilities as well as making needed repairs in the buildings. If the schools need the libraries, they need to



support it. She also advised that the Library Board is looking for another site in Huntington, should the time come when it is feasible to relocate that library.

Jerilyn Mathis, Castle Dale Librarian - She recommended that the Library Board would support the school district if the Board desires to work with the Bookmobile service. In responding to a question from Tannie Worthen, of Ferron, Mrs. Mathis indicated that if the schools did use the library facilities as indicated, that possibly increased staffing could be required.

Those present then questioned where the savings would be.

Kathy Peterson indicated she felt it was inappropriate to consider the school board budget in that it goes far beyond the library. She recognized there are overlaps and that they are two different services.

It was pointed out by Commissioner Justice that in his discussions with School Board Chairman, Wes Curtis, that the District has budgeted only \$20,000 for books. They being on a fiscal year and therefore, it was uncertain as to what funds the School District would have prior to next year's budget which begins July 1, 1992.

Lavon Day, Ferron Elementary Teacher - He again emphasized that he felt the Bookmobile is not a duplication of services. There is a need to provide for the needs of the children of the County. It is not realistic to haul library books to the Castle Dale Elementary.

Verda Miller again indicated that as long as the Bookmobile remains, they won't want to try anything else in developing a program.

Sharon Smith inquired of those present if anyone had talked to representatives of the school and if they have offered more money than in the past.

Stewart Behling, Ferron Elementary Teacher - He inquired if the Bookmobile is terminated, how the students would be serviced and when. He inquired how Castle Dale is going to serve those students. He noted that teachers cannot take students off the school grounds without a parent permission slip. Any hauling of books to the schools would eliminate the individual selection process by the student. He pointed out that the card catalogues are not available, particularly in Ferron.

Jerilyn Mathis responding that the public libraries are to serve the general public and they are not obligated to serve the schools according to State law and cannot take on that role, but should supplement. She talked of the needs over the next ten years for on-line computers accessing at all libraries.

Commissioner Mark Justice noted that students benefit from both facilities. As tax payers, we are supporting both programs. Possibly with the discontinuance of one, the tax rate would shift. In response to Mrs. Snow's inquiry as to why we are here, that it is probably because of miscommunication. The County neglected to involve the School District in the decisions and from his discussions with School Board Chairman, Wes Curtis, the School District is uncertain as to what monies could be freed up and what future role either party would play in retaining the Bookmobile.

Commissioner Justice noted that initially it was unclear as to whether it was a Library Board decision or recommendation to discontinue the Bookmobile. The County Commission has not made a decision, but that needs to be done. He accepts the opinion of the Library Board. Discussions need to be entered into with the School District to decide the continuance of the Bookmobile and determining whether the School District could be the main sponsor and that the County become a minor player in the maintenance of the service. Consideration needs to be given because of budgeting problems, that possibly the County could continue their commitment to the Bookmobile through the first of July, that the School District establish a level they would be willing to participate up to in providing that service.

Commissioner Clyde Thompson emphasized to those in attendance that the Commission was interested in getting input to help make the decision regarding the Bookmobile, feeling that the petitions were a false representation. Such a meeting allows for general public input. He would support a cooperative agreement between the school board and library board as suggested by Commissioner Justice.

Motion was made by Commissioner Mark Justice that the County enter into negotiations with the School District to renew the Bookmobile services for one additional year and enter into those negotiations with the School District to firm a commitment in hopes that the School District will take a larger role, wherein the County would possibly maintain the Bookmobile until July 1, 1992. Motion was seconded by Commissioner Clyde Thompson. Commission Chairman Dixie Thompson voted nay, pointing out that the Commissioners were not using good fiscal reasoning. Those funds come out of the Library general fund, not the County general fund. Spending those dollars as such is irresponsible of the Commission when the libraries need overhaul. Commissioner Mark Justice responded in that this is a short-term solution. Whereupon, motion passed. (5)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #913986 through and including #914167 for payment. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve the warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
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80	Window Coverings - Nursing Home	2,083.95	Approved
81	Culverts - Road	43,798.70	Approved

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve all requisitions for purchase. Motion was approved by all members present.

(6)

#### SETTING OF PUBLIC HEARING FOR ABANDONMENT OF THE OLIVER SPUR ROAD

County Attorney, Scott Johansen advised the Commission that a time needs to be set for Public Hearing on the abandonment of the Oliver Spur road. He suggested the second Commission meeting in January. Whereupon, after further discussion, motion was made by Commissioner Mark Justice to set a Public Hearing on the abandonment of the Oliver Spur road on January 22, 1992, at 9:00 a.m. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(7)

#### COMMISSION MINUTES REQUEST

Emery County Progress Editor, Larry Davis, briefly addressed the Commission in a follow-up to his discussion with them. He pointed out the need to have copies of the Commission minutes prior to approval in that he cannot personally attend Commission meetings or does he have the staff to do it. Receiving the minutes after final approval would make them too old for publication.

The Commission recognized the need and concern of Mr. Davis and discussed possible ways of improving the situation. Amongst those being considered was persons in attendance writing an article for the Progress; however, that would represent only that person's opinion. It was also discussed that the Progress obtain additional staff. Mr. Davis, could possibly attend certain meetings after making a determination of priority. It was recommended by Commission legal counsel that the minutes not be released until approved. Also, previous Commissioner Clyde Conover emphasized the need to not release the minutes until approved.

Whereupon, the Commission concluded that their action previously taken not allowing for release of the minutes until final approval would remain in effect.

(8)

#### 1992 COMMISSION MEETING AND HOLIDAY SCHEDULES

Clerk, Bruce Funk inquired direction of the Commission in preparing the 1992 Commission meeting schedule. After review of the calendar, it was suggested that the meetings in January be set up on the 8th and 22nd of 1992 and to follow the first and third Wednesdays of each month thereafter with times remaining the same. The final draft will be presented to the Commission at their next Commission meeting.

(9)

#### UAC MUTUAL INSURANCE - SECURITY

County Attorney, Scott Johansen addressed the Commission noting that they have previously made a motion and declared their intentions to join the UAC Mutual Insurance. There has now been enough Counties who have joined that it will go. Discussed was Emery County's portion of security. There is a need for Emery County to formally commit. It was requested that the County commit \$350,000.

Commissioner Mark Justice inquired if that amount could be reduced and what the period of time is. County Attorney, Scott Johansen indicated that the fund was anticipating Emery County's commitment in that amount, although a lesser amount could be established by the Commission. He noted that those deficiencies would have to be made up by other Counties. Originally, the County had committed those funds for two years. That was rejected by the Insurance

Commission. Now it is an open-ended commitment. The UAC Mutual Insurance is committed to make the best effort to build up their reserves lessening the County's obligation.

Motion was made by Commissioner Clyde Thompson to approve the posting of the surety to a lesser amount, suggesting a maximum of \$250,000 upon agreement by the full Commission and approval of the documentation by the Attorney's office. Motion was seconded by Commissioner Mark Justice and approved by all members present. (Motion was made after the Public Hearing, but inserted here. Savings are anticipated at approximately \$60,000 per year. All Counties are to put in their first year's present insurance premium to get the program started.)

(10)

#### RE-OPEN PUBLIC HEARING ON EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT TENTATIVE BUDGETS

Present at this time were: Dawnette Justice, Clyde Conover, Bryant Anderson, Rex Funk, Hallie Lemon, Frank Hall, Todd Winder, Maughn Guymon, Jim Whear, Sereta Snow, Colleen Beach and James Nielson.

Commission Chairman Dixie Thompson at 8:00 p.m. recessed the Regular Commission Meeting and re-opened the Public Hearing at 8:01 p.m. to continue the one started at 2:00 p.m. this same day. She then turned the time over to Auditor, Karen Truman who handed out copies of the Emery County Tentative Revenue and Expenditure, Library and Castle Valley Special Service District budgets.

Mrs. Truman emphasized that this is a tentative budget only and reflects those requests by all departments and agencies. She further noted that actual revenues are anticipated to be approximately \$1,700,000 less. The Commission emphasized also that their goal was to trim expenditures to meet those intended revenues.

Commission Chairman Dixie Thompson opened the meeting and inquired of those wishing to express public comment.

Jim Whear, Four Corners Mental Health, went over his budget request. He reminded the Commission that State monies require a 20% match by the County. Therefore, every dollar cut at the County level means a loss of \$5.00 to the District. Commissioner Mark Justice noted that it appeared from the formula that Emery County subsidizes Carbon County residents because of our assessed value. He expressed that he was opposed to such a formula. Secondly, everything is in Price and not equally distributed and to that he also objects.

Mr. Whear responded in that the formula and facilities and how they serve the needs of the residents is determined by a Board made up of County Commissioners and they make those decisions. He recommended that this might be taken up with the other Commissioners. Mr. Whear further inquired if the \$890 for scholarships for two people on drug conferences were included in their requests. Commissioner Justice confirmed that they were in the request.

Hal Lemon came before the Commission, representing the Green River and San Rafael Soil Conservation Districts. He indicated they have requested \$1,000 for the Green River and \$1,000 for the San Rafael Soil Conservation Districts for educational purposes such as soil kits for the school and youth conservation camp. He noted that the State has a very limited budget for them and the County request would also cover travel expenses to meetings. Also present was Perry Bunderson who is the Chairman of the San Rafael District.

Maughn Guymon, Director of the Area Agency on Aging, and the Emery County Aging and Nutrition Director gave clarification to the Commission on his budget requests. He noted that this is the first time in six years that he has needed an increase. This is due to the need to provide Social Security benefits for part-time employees. In the past they have not been required to do so. He also discussed needed repairs on facilities. The increase over last year's budget was approximately \$14,000.

Mac Bunderson, legal council for the Castle Valley Special Service District was present representing Darrel Leamaster, Administrator of the District, who could not be available because of other meetings. Mr. Bunderson, reiterated the policy of the District, those projects and issues having been discussed in the 2:00 meeting.

The Commission inquired if there was any other public comment. There being none, closed the Public Hearing at 8:30 p.m. and reconvened the regular Commission meeting.

(11)

#### ENGINEERING SERVICE AGREEMENT

Presented to the Commission for their approval and signature was an Engineering Service Agreement between Emery County and Beehive Engineering for planning of Emery County roads. The agreement was approved in the Commission Meeting of November 6, 1991, with the completion date now clarified and set on or before April 1, 1992, with payment to the engineer in the amount of \$10,400. The County paying the engineer \$.30 per mile. Other direct expenses to be reimbursed at the invoice amount plus 15%.

Whereupon, motion was made by Commissioner Mark Justice to approve the Engineering Service Agreement in its present form. Motion was seconded by Commissioner Clyde Thompson and approved by all members present. It was noted that the County Attorney's office has looked at the form. Whereupon, Commission Chairman Dixie Thompson signed the same.

(12)

#### COMMISSIONERS REPORTS

Commission Chairman Dixie Thompson asked Economic Development Director, Bryant Anderson to give the Commission an update as to Gypsum Resource Development. Mr. Anderson advised the Commission that the cease and desist order had been delivered to GRD today. GRD expressed concern and felt that if they were shut down in two months, it would drive them out of business. GRD noted they are presently delivering eight to ten loads per week to a cement plant. GRD also complained of receiving no warning prior to this order. Mr. Anderson inquired if there was the possibility of meeting further to discuss this with the Commission, possibly setting up a planning and zoning meeting to address them in the next Commission meeting. After further discussion, it was the consensus of the Commission that they hold firm to their action.

County Attorney, Scott Johansen further advised the Commission that it was his recommendation that they not pay Nielson Construction from those funds held in trust by the County. He has been advised that Nielson would not release the County, but up to only those amounts as paid. It was, therefore, his opinion that this would not serve any advantage.

Commission Chairman Dixie Thompson further discussed upcoming meetings and changes in the BLM. Roger Zortman, over the Moab District of the BLM, is interested in meeting with the livestock owners and the Commission.

Commission Chairman Dixie Thompson also pointed out that the AOG is looking into buying the old Harmond School in Price, trying to obtain a grant.

Commissioner Clyde Thompson was asked to discuss Southeastern Utah Association of Government's Director, Bill Howell's, proposal as an alternative to wilderness. It was noted that this would be reclassified into two classifications. The first one would be a wilderness designation. The second would be a heritage designation. The second one would allow for motorized vehicles and mining. Whereas, class one would not allow any surface disturbance, but slant drilling and grazing would be allowed. The second one would allow public access and would be the majority of the properties. Mr. Howell is proceeding in soliciting support as an alternative to present wilderness proposals.

Clyde Conover advised the Commission that he has received a notice from the Department of Natural Resources. They informed him they are having a water meeting in regards to the Colorado water. Concern is over leasing the waters to California, noting the acreage per acre feet has increased from that originally agreed upon. He expressed concern in that the Commission needs to look into it. That meeting is on December 19 at the Department of Natural Resources in Salt Lake City.

(13)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at 9:13 p.m.

ATTEST

CHAIRMAN

ComMin12-13-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 13, 1991

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 9:07 a.m.

The invocation was given by Clerk, Bruce Funk.

A review of the agenda was made.

(1)

#### COMMISSIONERS MINUTES

The minutes of the November 20, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

The minutes of December 4, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Auditor, Karen Truman presented the following requisitions for Commission approval:

Req. #	Item and Description	Amount	Action
82	Walkie-Talkie and Paper - Justice Court	365.00	Approved
83	Asphalt Crackseal Machine - Road	21,000.00	Approved
84	Air Conditioner Recycler and Recharger - Road	4,150.00	Approved
85	Anti-Freeze Recycler - Road	2,500.00	Approved
86	Walther PPK .380 ACP Semi Auto, Ammo, Holster and Magazine -		



	Sheriff	438.94	Approved
87	Laser Jet III Printer - Sheriff	1,599.00	Approved
88	Laser Jet III Printer and Memory Upgrade - Extension	1,320.04	Approved

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to approve all requisitions for purchase. Motion was approved by all members present. (The Warrant/Check Edit list was not ready for Commission approval prior to Commission meeting.)

(3)

PETITION TO INCORPORATE TRAIL CANYON CITY

Mr. Wendall Owens and Bill Stoddard were present on behalf of residents of Trail Canyon who are desirous to incorporate into a city entitled Trail Canyon City. Presented to the Commission were petitions of adult residents as well as proposed Articles of Incorporation showing that Bill Stoddard would be appointed as the temporary Mayor until such a time as elections could be held. The proposed boundaries of the city would include the present Trail Canyon residential area. He further reviewed background as to their reasons for requesting incorporation at this time. He emphasized that one of the advantages would be the elimination of single dwelling septic tank facilities, as there would be a central sewage treatment facility. They would then become eligible for State funding for construction of such facilities. They could acquire a fire truck and set up volunteer fire department. They could more closely regulate residents as to planning and zoning requirements.

Mr. Owens confirmed that they are still proposing a park and playground. They discussed alternative routes for the leaching lines in overcoming previous objections of other agencies.

It was the consensus of the Commission that this matter needs to be given further consideration. Therefore, they would table an action at this time until they have had an opportunity to look at the issues and would get back to Mr. Owens and Mr. Stoddard.

County Attorney, Scott Johansen reviewed some of the requirements for incorporation as a town.

(4)

EMERY COUNTY RECREATION DISTRICT

Commissioner Mark Justice made a motion to table discussion on the creation of a Recreation District until the next regularly scheduled Commission meeting on January 8, 1992. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### FIRE DISTRICT

Commissioner Mark Justice informed the Commission that this item having been advertised for public input and a Public Hearing having been held, that he is now ready to proceed to the next step in the creating of a fire district. Therefore, it was his amended motion that the Commission authorize the County Attorney's office to prepare necessary paperwork in order to proceed in the creation of the Fire District to be considered at the next Commission meeting. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

#### AWARD BIDS FOR THE CULLUM BRIDGE

Howard Tuttle of Johansen and Tuttle Engineering and Road Superintendent Rex Funk came before the Commission. Mr. Tuttle presented to the Commission for their consideration the abstract of bids for replacement of the Cullum Bridge. This is located near Lawrence. The bridge replacement would be in two projects. The first would be the site preparation. The second would be the materials supply contract. He advised the Commission that the only bid received for the material supply was from Amcor. The original engineers estimate was at \$77,000. Their bid was \$93,727. Johansen and Tuttle felt this was an unacceptable amount and was later advised by Amcor of some errors. Therefore, Amcor reduced their amount to \$87,520. As to the site preparation contract bids, the engineers estimate was for \$85,000. Sinbad Construction was the apparent low bidder in the amount of \$76,007.90. Minchie Digging was \$80,995 and Nielson Construction was \$92,260. According to Schedule A of the bid sheet, Schedule B called for reinforced concrete, footing stem wall and wing walls in which Sinbad Construction again was the apparent low bidder in the amount of \$33,600. Minchie Digging was \$35,000 and Nielson Construction was \$36,400. He further noted that the Amcor bid included those same concrete construction costs.

Therefore, it was his recommendation to the Commission in proposal #2, that Amcor furnish the 20 foot span bridge for a cost of \$35,630 and cost of placing the bridge at \$8,400 or a total payment due to Amcor of \$44,030. Also, that Sinbad Construction be offered the site preparation contract in the amount of \$76,007.90 and the concrete work, including the footings, stem wall and wing walls for \$33,600, for a total cost of the project at \$153,637.90.

Therefore, motion was made by Commissioner Mark Justice to accept Johansen and Tuttle's recommendation on proposal #2 and award the bid to Amcor for the bridge and bridge placement costs in the total amount of \$44,030 and the bid award be made to

Sinbad Construction for the site preparation, footings, stem wall and wing walls in the amount of \$109,607.90. The overall approved project cost of \$153,637.90. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

It was noted that the work is expected to begin the latter part of January depending on the weather and the completion date approximately 60 days from the start. (7)

#### COMMISSIONER'S REPORTS

Commissioner Clyde Thompson:

1. Commissioner Clyde Thompson by letter advised other members of the Commission that TCI Cablevision has notified the Commission that effective December 23, 1991, they will increase their subscriber rates. This to have an overall average effect of \$1.00 per month per subscriber.

Commission Chairman Dixie Thompson:

1. DOGM/OSM Hearings - Commission Chairman Dixie Thompson advised those present that a week ago she testified in meetings on the Oil Gas and Mining. Wherein, she discussed the problems of the Deer Creek road wherein OSM is trying to have control over these roads. Presently, DOGM is trying to maintain policy in regards to roads that are private and other types of roads. She further advised that they are trying to get DOGM to keep in the rules in their policy. Otherwise, this would allow OSM to take control of roads, such as the Deer Creek mine. This could possibly eventually shut them down, as well as the Huntington Power Plant.

2. At the request of Commissioner Clyde Thompson, Commission Chairman Dixie Thompson reviewed RC&D meetings which she has been involved with in which he recently attended for her. They are holding positions open for ten people of Emery County to take a week-long course in grant writing. The cost is at \$350.00 per person. It is a non-profit organization, but they could assist in grant applications to other private foundations. She has been in contact with communities and other individuals who would benefit from this. She noted that it would be a great opportunity for Emery County.

(8)

#### PUBLIC HEARING - APPROVAL OF THE 1992 EMERY COUNTY GENERAL REVENUE AND EXPENDITURE BUDGETS - RESOLUTION 12-13-91 - OTHER BUDGETS

Auditor, Karen Truman presented to the Commission the final version of the 1992 Emery County General Revenue and Expenditure Budgets, including the Library, Economic Development, Castle Valley Special Service District and E911. She noted that the revenues which the Commission has budgeted on are \$8,811,288 with expenditures of the same. She noted that this is a \$1.7 million reduction in the tentative budget presented in

the December 4, 1991, Commission meeting. She further emphasized this represents no tax increase. Library Revenues and Expenditures of \$558,351. The Library has received a tax increase of \$117,978 at a tax rate of .000378. The previous tax rate was .000280. Emergency 911 Revenues and Expenditures of \$60,300; and Economic Development/Planning and Zoning of \$64,899.

At this time, Commission Chairman Dixie Thompson advised that the needed increase in the Library budget is that presently in five libraries, the heating and air conditioning are in need of repair or replacement. Therefore, they have appropriated new heating and air conditioning systems for three of the libraries this year. They have also included the Bookmobile funding for another year. These have all been added in addition to last year's budget amounts. She further emphasized that Cleveland and Elmo do not have landscaping and would solicit community involvement in those projects. She further pointed out that the budget includes a cost of living increase for employees and elected officials of 3% across the line. This is to be divided in an equal amount to each and no new full-time employees would be hired.

Commissioner Mark Justice further advised that with the salary survey done by Mr. Swallow and upon recommendation of Personnel Director, Pat Snowball, that those implementations as far as possible would be done between now and the first of the year.

Sheriff, Lamar Guymon expressed appreciation to the Commission in that they have done a fine job with the budget process. Also, Auditor, Karen Truman noted that it has taken a great deal of time and complimented the Commission.

Commissioner Clyde Thompson advised those present, there being a small representative group of the Green River Medical Center, that the Commission had received requests from both Medical Centers in Green River. The Commission did not fund those, rather they budgeted \$5,000 for Green River City for the Medical Center. Therefore, they left it up to the City for distribution, with the Commission specifying the purpose of the money. Green River City has confirmed their intention to support the Green River Medical Center.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the 1992 Emery County General Revenue and Expenditure Budgets, included in Resolution 12-13-91, with the Emery County General Revenue and Expenditure Budget of \$8,811,288; Library - \$558,351; Transit Room Tax - \$10,000; Emergency 911 - \$60,300; and Economic Development/Planning and Zoning - \$64,899.

Motion was seconded by Commissioner Mark Justice and approved by all members present.

Commission Chairman Dixie Thompson opened the meeting at this time for any public comment in regards to the Amended 1991 Budget. Auditor, Karen Truman indicated she

did not have the figures, but overall there were no changes in the County Revenue and Expenditure Budget.

County Attorney, Scott Johansen advised that because there was no change, there was no need for public comments, other than it was noticed up for that purpose. It was further advised that adjustments within the departments would be made by the Auditor at a later date.

Therefore, Commission Chairman Dixie Thompson inquired of any other public comment. There being none, motion was made by Commissioner Clyde Thompson to approve the amending of the 1991 budgets as discussed. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(9)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT BUDGET

Presented was the Castle Valley Special Service District 1992 General Revenue and Expenditure Budgets, Debt Service Budget, etc. Darrel Leamaster, who was present at this time advised that there were no changes in the final budget over those reviewed in the tentative budget presented in the Commission meeting of December 4, 1991.

Whereupon, there being no comments, motion was made by Commissioner Clyde Thompson to approve the Castle Valley Special Service District 1992 budget and any forthcoming Resolution pertaining to the same. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(10)

#### RECESS

Commission Chairman Dixie Thompson recessed the meeting at 10:15 a.m. The meeting reconvened at 10:30 a.m. with all members present.

(11)

#### FOREST SERVICE VISIT

Ferron Forest Supervisor, Ira Hatch, together with Leland Matheson, came before the Commission. Mr. Hatch reviewed several projects, giving the Commission updates in regards to them. First of all, he presented to the Commission the Forest travel plan in providing a map. He expressed appreciation to those who served on the Committee and the good participation which they have had. He emphasized that the main difference in the travel map is that previously all areas outside the roads were open. Wherein the new travel maps, all areas outside the roads are closed unless designated. He further emphasized that all roads will have road markings designating their use. Mr. Hatch emphasized that most roads were kept open, except in the cases of those causing erosion

and sedimentation. He noted that they would be back before the Commission and would want any input on any oversights.

At the request of Commissioner Mark Justice, Mr. Hatch reviewed the process on how users might have the Forest Service consider reopening roads. Mr. Hatch emphasized that they would redo the plan in a couple of years. Therefore, any input would be important.

In regards to the Swells Water Project, he emphasized that it is moving along well. They have treated over a thousand acres this year. It is responding well.

At the request of permittees and cattlemen on the Horn Mountain, the Forest Service committed to look at closed grazing areas. They have now done that and are ready to propose some areas for both short-term and long-term use. As to the elk herd, they have cited as part of the management plan, a special late elk hunt on the Horn. The preliminary results show to be fairly successful in taking of the animals off a particular area.

Other areas discussed were the Boulger Slide in that it is still active, adding sediments to the Joes Valley Reservoir. They discussed proposed ways to divert the water and reduce the sediments. Noted was that the Seely Creek Slide is still moving. They discussed the Joes Valley Ephraim Road in that the construction company has shut down for the winter. Concern was expressed over the operation of the project. Areas of concern were addressed by the Forest Service as well as members of the Commission.

Also discussed in the Joes Valley area were restroom facilities at the boat ramp which are being upgraded and improved, coal leasing or readjusting on the Desbee Dove Mine and that it is open for comments. It was noted that Utah Power and Light has made application for the north end of Trail Mountain and the Forest Service will be working on the environmental procedures. This will be a lease by application.

Mr. Hatch expressed appreciation to Road Superintendent Rex Funk for the excellent cooperation in cleaning out water ponds, installing culverts to the television tower and work done to preserve certain vegetation and reduction of sediment. He also expressed appreciation to the Commission for their cooperation. He further reviewed Christmas tree sales on the Ferron Mountain. He emphasized in Reader Canyon, Olsen and Fillmore Subdivisions, that in regards to the bridge, something will have to be done there in the near future. With cooperation, possibly a treated timber bridge could be installed there. They expect to post limit signs in the Spring, noting that the bridge does not meet State and Federal regulations for the weight crossing it. He noted that it is still an ongoing discussion as to the ownership of the bridge. This having been discussed in previous Commission meetings. He recommended that the Forest Service get together with Road Superintendent Rex Funk, the Commission and those residents and other

agencies to see what can be done to work it out. He briefly reviewed improvements being done on the Reader Canyon OHV trail. He discussed the selling of properties in the upper Huntington Canyon by some of the large coal companies. He expressed concern over the possible developments there. He noted that the Forest Service has tried to save some of the stream side. He was hopeful that the County Planning and Zoning and building people would keep close track of those developments.

Commissioner Mark Justice discussed the restrictions for development in those areas as allowed for in the planning and zoning and he suggested future involvement by the Forest Service.

At some length, Mr. Hatch discussed the predator control. He handed out a copy of the decision which also appeared previously in the Emery County Progress and the Sun Advocate. The suit was originally brought about by the Utah Wilderness Association who had protested the predator control methods. That decision was upheld because of NEPA documents. Provided to the Commission was the decision notice and finding of no significant impact for the Manti-Lasal National Forest Predator Management Environmental Assessment. He emphasized that Mr. George A. Morris, Forest Supervisor, who signed the order on December 3, 1991, heavily supported alternative G. This is one of eight which emphasizes implementation of lethal control only after non-lethal methods have been used and losses have exceeded historical levels. On both cattle and sheep allotments, only non-lethal methods could be used until or unless losses during the current grazing season have exceeded the average losses during the current grazing season. If the average losses have exceeded, then the APHIS-ADC would be allowed to implement have exceeded the average losses of the last three years. lethal measures to take the offending animals. He emphasized that in regards to this, there is a 45 day comment period from its publication date of December 3 in the Sun Advocate.

In continuing discussion in regards to the Ferron Reservoir, he emphasized that the contractors got started, but they have not finished. They are approximately 2/3 done with the membrane. The lake will have to be drained down again in order to complete that portion of the project. Mr. Hatch expressed appreciation to the Commission for their cooperation and working with them in the past. He explained their open-door policy to the Commission.

In responding to their position in regards to the proposed Trail Canyon City, Mr. Hatch emphasized that the Forest Service has not changed their position in the creation of the community. Also, that they should live up to the health standards as required, as well as the Clean Water Act.

(11)

1992 COMMISSION MEETING AND HOLIDAY SCHEDULE

Presented to the Commission for their consideration was the proposed 1992 Emery County Commission Meeting Schedule as follows:

January 8, 1992	6:00 p.m.
January 22, 1992	9:00 a.m.
February 5, 1992	6:00 p.m.
February 19, 1992	9:00 a.m.
March 4, 1992	6:00 p.m.
March 18, 1992	9:00 a.m.
April 1, 1992	6:00 p.m.
April 15, 1992	9:00 a.m.
May 6, 1992	6:00 p.m.
May 20, 1992	9:00 a.m.
June 3, 1992	6:00 p.m.
June 17, 1992	9:00 a.m.
July 1, 1992	6:00 p.m.
July 15, 1992	9:00 a.m.
August 5, 1992	6:00 p.m.
August 19, 1992	9:00 a.m.
September 2, 1992	6:00 p.m.
September 16, 1992	9:00 a.m.
October 7, 1992	6:00 p.m.
October 21, 1992	9:00 a.m.
November 4, 1992	6:00 p.m.
November 18, 1992	9:00 a.m.
December 2, 1992	6:00 p.m.
December 15, 1992	9:00 a.m.

The following 1992 Emery County Holiday schedule was presented for Commission approval:

New Year's Day 1992	Wednesday	01-01-92
Human Rights Day	Monday	01-20-92



President's Day      Monday      02-17-92  
Memorial Day Monday      05-25-92  
Independence Day    Friday 07-03-92  
Pioneer Day    Friday 07-24-92  
Labor Day      Monday      09-07-92  
Columbus Day      Monday      10-12-92  
Veterans Day    Wednesday    11-11-92  
Thanksgiving Day    Thursday      11-26-92  
Christmas Eve Thursday    12-24-92 (1/2 day)  
Christmas Day Friday 12-25-92

Whereupon, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Mark Justice to adopt the 1992 Emery County Commission Meeting and Holiday schedules as proposed. Motion was approved by all members present. There being no objection, the Clerk will proceed with notifying all County Departments and Agencies.

(12)

#### JOANN TAYLOR VACATION CARRY OVER

Treasurer, JoAnn Behling presented to the Commission a request having been received from JoAnn Taylor of the Treasurer's Office in that she be allowed to carry excess hours over the original allowable 40 hours into the first quarter of 1992. She discussed the reasons for the same. Whereupon, motion was made by Commissioner Clyde Thompson to approve the carryover of the additional vacation hours as requested. Motion was seconded by Commissioner Mark Justice provided it is in accordance with current policy. (It was later noted that Resolution 1-3-90 allows for the same.) Motion was approved by all members present.

(13)

#### GYPSUM RESOURCE DEVELOPMENT - CURTIS LARKIN

Economic Development Director, Bryant Anderson introduced Curtis Larkin from Gypsum Resource Development to the Commission. He also presented the site plan proposal to the Commission to begin the 30 day procedure as required by Planning and Zoning. Mr. Anderson emphasized that Mr. Larkin would like to meet with the Commission and discuss further the cease and desist order which was served upon them yesterday. He emphasized that Mr. Larkin needs to meet with Road Superintendent Rex Funk and resolve the road encroachment problem. Mr. Anderson and Mr. Larkin emphasized that it was a safe assumption that should the County require GRD to shut down for the minimum six week period in order to complete all the requirements, would cause the failure of the company.

Commissioner Mark Justice emphasized that it has not been the desire of the Commission to keep them from working, but there are rules and Planning and Zoning Regulations and they are there for the benefit of everyone. In responding to questions as to why GRD had

not refiled the road encroachment submitted to them in September, Mr. Larkin emphasized that it was partly due to preoccupation, the unresolved issue of the bond, pending contracts and he could not commit to those costs for application for magnesium chloride to the roads as a dust suppressant.

It was recognized by those present that the road improvement is holding up future encroachment application approval in that the road has been allowed to deteriorate and dust is a problem. There are soft spots or damage to the road by the use of the large trucks and the number and frequency.

Road Superintendent Rex Funk emphasized that in the past he has found GRD not cooperative in repairs when he has notified them. Mr. Larkin emphasized that he has limited choices, noting that nothing would be gained by shutting GRD down.

Commissioner Mark Justice again emphasized that GRD as an entity entered into negotiations with Emery County and neither entity has changed. Mr. Larkin pointed out that the change has occurred in the capacity of GRD to now fully comply with those previously agreed upon matters. Commissioner Mark Justice inquired as to what Mr. Larkin intended to do about the present issues. Mr. Larkin responded that possibly in April they would be able to do something.

Commissioner Clyde Thompson inquired of Mr. Larkin what GRD would be willing to do. The Commission further emphasized the need for GRD to meet with Road Superintendent Rex Funk. Mr. Funk would make a better recommendation to GRD as to what needs to be done and inform the Commission as well. The Commission would follow Mr. Funk's recommendation exactly. Mr. Larkin further inquired as to anticipated costs involved to make those road improvements. He emphasized that they are basically hauling three truck loads per day to the cement company. Earlier, Mr. Larkin noted that they had a three-year contract to provide the same.

Commissioner Mark Justice noted that the County has already expended hundreds of thousands of dollars. He emphasized the time has come for compliance. At this time, County Attorney, Scott Johansen at the request of the Commission briefly reviewed the lack of GRD in obtaining a temporary permit as well as a current road encroachment permit. Should trucks continue to haul material, legal action could result. He noted that these are Ordinances which should be enforced and as such would be classified as Misdemeanors. He noted that it would take up to a week or two to prepare the necessary paper work. He further discussed how the County could use monies held in trust for repair of the damaged road. In which case GRD would be given notice and an opportunity to respond. Mr. Larkin noted that in effect he was not opposed to using that money for repairs. He inquired of Rex Funk the amount to repair the damage. Mr. Funk responded in that an investigation and determination would have to be done first before costs could be established.

Commissioner Mark Justice emphasized to Mr. Larkin that the Commission was not prepared to change its previous decision at this time.

Commission Chairman Dixie Thompson also expressed concern and opposition for the continued use of the County roads without compliance.

At this time, Bryant Anderson reviewed his letter sent to GRD. The letter informed GRD of the need for them to come before the Commission to present a site plan for approval in order to begin the process. Also, that work stoppage be implemented immediately. He further expressed to the Commission that there was no advantage to shut down GRD and he was in favor of them staying open.

Mr. Larkin emphasized that there was no disadvantage to the County for extending for another 30 days. Commission Chairman Dixie Thompson emphasized that there is a full disadvantage.

After further discussion, it was the consensus of the Commission that Mr. Larkin would not get a reversal of the Commission decision and that if they were to continue to run trucks, that would be their decision. It was noted that prosecution would take several days. Coming into compliance, proper permitting and eventual outcome of the business would be Mr. Larkin's decision.

Whereupon, motion was made by Commissioner Mark Justice to agree to the site plan proposal and to begin the 30 day process. Motion was seconded by Commission Chairman Dixie Thompson and approved by all members present.

(14)

NEED TO REDISTRIBUTE

Clerk, Bruce Funk briefly reviewed with the Commission the need to form a group to consider redistricting, particularly in the school board boundaries. He recommended that his office and the school board not be involved in recommending the group. It was the consensus of the Commission that Clerk, Bruce Funk look into how the group was organized previously and come back to the Commission with that information.

(15)

MEETING ADJOURNMENT

Commission Chairman Dixie Thompson adjourned the meeting at 12:46 p.m.

Emery County Commission Minutes 83-91

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 8, 1992

Those present at the meeting were Commissioners Dixie Thompson, Clyde Thompson and Mark Justice; County Attorney, Scott Johansen; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Dixie Thompson at 6:06 p.m.

The invocation was given by Commissioner Mark Justice.

A review of the agenda was made.

(1)  
APPOINTMENT OF COMMISSION CHAIRMAN FOR THE YEAR 1992

Motion was made by Commissioner Clyde Thompson as per agreement a year ago that Mark Justice be appointed as Commission Chairman. Whereupon, Commissioner Mark Justice seconded the motion and motion was approved by all members present.

(2)  
COMMISSIONERS MINUTES

The minutes of the December 13, 1991, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #914298 through and including #914467 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
1	Easel and dry-erase board - Commission	105.00	Approved

2	Two folding tables - Commission	198.00 Approved
3	Overhead projector - Commission	299.95 Not Approved
4	Adjustable Table - Commission	115.00 Approved

Whereupon, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the warrant/check edit list for payment and the requisitions for purchase. Motion was approved by all members present.

(4)

#### SCOTT MCARTHUR/KIM EARL SURPLUS COUNTY PROPERTY

Kim Earl and Mary Earl of Huntington, Utah, came before the Commission to discuss surplus County property in which Scott McArthur has indicated an interest in purchasing. This was discussed in the Commission minutes of October 16 and November 6, 1991. Their purpose in being before the Commission at this time was to express opposition to the sale to Mr. McArthur. Concern was further expressed to the Commission that should Mr. McArthur purchase the property, that he would close it off and eliminate the access. Their main concern was that it would limit access to adjacent properties, including Mr. McArthur's. Mr. Earl expressed concern that it was dead property and it would provide no frontage to Mr. McArthur. The Castle Valley Special Service District has a secondary water line within the property there with five connections to adjacent properties.

Commissioner Clyde Thompson indicated that he has just recently become aware of the property. The strip in question is only 13 feet wide, noting that Huntington City has expressed an interest in purchasing that property also.

Recorder, Ina Lee Magnuson reviewed how Emery County received the property in 1965 through a County tax sale and that the same description carries down through the years. She also reviewed with the Commission previous owners.

Scott McArthur indicated that his interest was just to take care of the property. It has laid dormant and not been maintained. This would fit in well with other properties that he is considering purchasing.

County Attorney, Scott Johansen at the request of the Commission noted that the County does own the title to the property. No sale or lease can be done by the County until after proper advertising in accordance with the Emery County Procurement and Disposal Ordinance. As to whether a right of way exists, he indicated that unless a written easement existed, then the parties would have to resolve it in Court and determine that there has been 20-year continuous use. If the County does sell, the property does not extinguish any right of ways by use.

Commissioner Clyde Thompson suggested that the area be kept open as a right of way and that selling to Huntington City would be a possible solution. They are interested in providing for access to those properties.

Mr. McArthur inquired of County Attorney, Scott Johansen as to whether Emery County was violating contracts wherein Emery County had taken the check submitted by himself on the property. Mr. Johansen replied that there existed no contract and that there was no consideration by the Commission until the property owners had been contacted, namely Mr. Chester Brasher.

Mr. Earl inquired of the Commission for clarification as to any existing right of ways. It was noted that this would require a legal determination by the owners. After further discussion, it was the consensus of the Commission and motion was made by Commissioner Clyde Thompson to sell the property in question to the highest bidder after proper advertising and in accordance with the Emery County Procurement and Disposal procedure. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

#### INTERNATIONAL RESIN AND RESOURCES INCORPORATED

Economic Development Director, Bryant Anderson introduced to the Commission Mr. Terry Turner, President; Dr. Ronald Atwood, Vice President over operations; and Dr. Jan Miller from the Board of Directors of International Resin and Resources.

In addressing the Commission, Mr. Turner solicited help from the Commission to break up the so called log jam with Utah Power and Light. UP&L has been reluctant to work with International Resin in the extraction of resins from coal within the County. Two sites being looked at in regards to UP&L and Pacificorp are the Huntington Plant as well as the Hunter Plant. Also reviewed were the Co-Op Mining Company properties, U.S. Fuel Company properties which in part lie in Carbon County and also Cyprus Plateau with some properties also lying in Carbon County. He talked of the economic benefit to the County in that it was anticipated to be a \$40 million project, offering approximately 100 jobs in the area. He expressed appreciation to Economic Development Director, Bryant Anderson for his efforts, indicating that Emery County has been exceptional to work with. His purpose in meeting with the Commission tonight was to bring them up to date and invite them into a writing campaign to help get the project going. He further noted that they also received support from Bill Orton and Senator Orrin Hatch.

Commission Chairman Mark Justice, speaking on behalf of the Commission, indicated that the Emery County Commission would give their absolute best effort and that they were excited and committed to the project and were hopeful and would assist in any way.

Mr. Gene Hess, of Utah Power and Light, briefly questioned as to possible power problems. The Commission would proceed to prepare a letter for submission.

(6)

RECORDER'S BUSINESS - ACCEPTING OF RESURVEY PLATS - RESOLUTION  
1-8-92A

Mr. Craig Johansen of Johansen and Tuttle Engineering, together with Recorder, Ina Lee Magnuson presented to the Commission for their review the nine completed resurvey plats, together with Resolution 1-8-92A. After review by the Commission, motion was made by Commissioner Clyde Thompson to accept the plats and Resolution 1-8-92A establishing them as official section plats of Emery County. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commissioner Dixie Thompson indicated to Mr. Johansen that she has received complaints from property owners in that existing fence lines do not lie on properly on the resurvey.

Mr. Johansen expressed a willingness to meet with Commissioner Dixie Thompson and any effected property owners.

(7)

APPROVAL OF RESOLUTION 1-8-92B - ESTABLISHING THE RECREATION  
SERVICE DISTRICT FOR EMERY COUNTY

Commission Chairman Mark Justice opened this item up for discussion. Commissioner Dixie Thompson noted that she had several questions in regards to the Resolution. One was that a study had not been done outlining the pros and cons of creating such a District. It was unclear as to what the intentions are in the creation of such a District. She emphasized the need to look at the merits in consideration of CIB funds and expressing further concern over the proposal on how to create. She questioned parts of sections 4, 5 and 6, noting that the concern expressed by the public from the Public Hearing was that no taxes could be levied without a vote of the public as well as where the funds would come from per diem on the Board Members.

Commission Chairman Mark Justice expressed that the creation of the Districts had been adequately discussed, including these issues. They were brought before the Commission and discussed in the public hearing as well as other private discussions. In the creation of such a Recreation District and Board that they would submit a list of the intended projects, having received Commission and public input. In regards to questions about section 5, it was noted that in Section 17-82 of the Utah Code, it further states that such a district cannot levy taxes without a vote of the public. In regards to section 6, on the administrative control funds, Commissioner Justice further pointed out that there would be a required maintenance and operation fund. These could be received from user fees or a cross transfer of funds from the County or Mineral Lease funds.

After further discussion, Commissioner Clyde Thompson suggested Section 6 be amended from the word "shall" to "may" as it applies to payment of Board Members.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 1-8-92B, Establishing a Recreation Service District in Emery County so long as any taxing is approved by election of the people. Motion was seconded by Commission Chairman Mark Justice. Commissioner Dixie Thompson voted nay. Whereupon, motion passed.

(8)

#### RESOLUTION 1-8-92C - ESTABLISHING A FIRE DISTRICT IN EMERY COUNTY

Motion was made by Commissioner Clyde Thompson to approve Resolution 1-8-92C Establishing a Fire District in Emery County. Motion was seconded by Commission Chairman Mark Justice. Commissioner Dixie Thompson voted nay, expressing that although she is not opposed to the creation of such a district, that at this point she did not have enough information to make fair judgment on behalf of the citizens of Emery County. Motion passed.

(9)

#### TAX ANTICIPATION NOTE - RESOLUTION 1-8-92D

County Attorney, Scott Johansen came before the Commission and presented to them Resolution 1-8-92D for their consideration and adoption. The Resolution authorizes the issuance and sale of Tax and Revenue Anticipation Notes, series 1992 in the amount of \$4.6 million for twelve months. This was the same as has been done in the past several years, noting that the County borrows this money in anticipation of the collection of taxes next November. He noted that in the past they have been able to invest all or part of the money for part of the year, making it financially beneficial to the County. He further noted that this year is a first in that a large number of the Counties have gone together as a pool to take advantage of a reduced cost of issuance and better interest rates. The interest charged on the Tax Anticipation Notes low bid was from Zions Bank at the rate of 5.5% with a reinvestment rate of 6.5%.

He presented the prepared documentation to the Commission for their consideration. Also included with the Resolution was the purchase contract Trust Agreement and private placement memorandum, together with making recommendations as to those matters that the motion needs to include.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 1-8-92D to issue tax anticipation bonds in the amount of \$4.6 million at 5.5% due in full December 31, 1992, and to authorize those County officials as needed to sign the documentation as required. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.



Auditor, Karen Truman suggested that the Commission reinvest with Zions Bank at a 6.5% investment rate. Whereupon, this was agreed upon by all and included in the motion.

(10)

#### APPROVAL OF THE CENTRAL ASSESSED APPRAISER AGREEMENT

Assessor, James Fauver addressed the Commission in regards to a proposed appraiser agreement wherein Emery County would participate with the other 29 Counties in the State of Utah in the Multi Appraisal Trust. This trust hiree would be responsible to monitor the action of large companies, noting that in the past County Assessors and Appraisers have been unable to look at how large state-assessed properties are appraised and those formulations. He further emphasized that Emery County's share of those costs for such an appraiser would be \$8,500 annually. This assessed based on the central assessed value of Emery County.

He further emphasized that this proposal had received unanimous support at the UAC Convention in St. George and the funds are in the approved operating budget for this year. Whereupon, motion was made by Commissioner Clyde Thompson to approve the Central Assessed Appraiser Agreement as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### RESOLUTION 1-8-92E - AMENDING THE PERSONNEL POLICY FOR EMERY COUNTY

Personnel Director, Pat Snowball presented to the Commission for their consideration Resolution 1-8-92E wherein the Resolution amends the Emery County Personnel salary plan schedule with exhibits A and B attached thereto. Also, to add the class specifications according to exhibit C also attached in their entirety within the personnel policy. These to be retroactive to January 1, 1992. It was confirmed that sufficient monies have been budgeted to accommodate these changes.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 1-8-92E therein amending the Emery County Personnel Policy establishing an amended salary plan schedule, exhibits A and B and to replace the present salary plan schedules in the Personnel Policy and that the class specifications, exhibit C be incorporated in their entirety within the Personnel Policy. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

## PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission for their consideration the following Personnel items:

- A) Lorna Davis-Transfer - Presented was the Personnel Action Form for Lorna Davis who is transferring from the Auditor's office as a full-time Chief Deputy Auditor to the Recorder's office as a Deputy Recorder II. She will be working 19-3/4 hours per week with no benefits. Effective date is January 13, 1992.
- B) Jami Luce-Transfer - Presented was the Personnel Action Form for Jami Luce who is transferring from the County Attorney's office as a Legal Secretary to the Auditor's office as a Deputy Auditor II. She will be working 3/4 time and is entitled to prorated benefits. This is effective January 2, 1992.
- C) Gwynith Parriott-RSVP - Director Carolyn Randall has requested that Gwynith Parriott, Grand County Coordinator in the Moab office, have her hours reduced to 20 hours per week, the same as the part-time in the Castle Dale office. Effective date is January 2, 1992
- D) Personnel Requisition-Attorney's Office - Presented was a Personnel Requisition Form to fill a 3/4 time Legal Secretary position in the Attorney's office to replace Jami Luce. This is to allow the beginning of the posting procedure.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Personnel Actions Forms and Personnel Requisition as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

It was noted by Personnel Director, Pat Snowball that the Grade and Step of the employee will not be disclosed in future Commission minutes.

(13)

## CONSIDERATION OF COUNTY IDENTIFICATION CARDS

Commission Chairman Mark Justice discussed with those present the possible need to have County identification cards. Assessor, James Fauver expressed that he was in agreement and that they need to be professionally done. Sheriff, Lamar Guymon indicated that they could be done by the Sheriff's office.

After further discussion, motion was made by Commissioner Clyde Thompson to pursue the recommendation of making Emery County employee i.d. cards. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

## UNIFORM ALLOWANCE

Commission Chairman Mark Justice advised those present that presently deputies are receiving a \$75.00 per month taxable uniform allowance. He discussed with the Commission two IRS methods. The first being the non-accountable which we are presently operating under. He expressed that consideration needed to be given to possibly the County qualifying for an accountable method, noting that this would be at no additional cost to the County. This would benefit the deputies in that those allowances would not be taxed. He emphasized that these funds have to be spent for uniforms with receipts and at the end of the year.

Those funds not accounted for, the employee would be required to pay back to the County.

Sheriff, Lamar Guymon confirmed that deputies are willing to comply. However, Auditor, Karen Truman outlined what would be required of the deputies in that her office would require original receipts and documentation and that it be provided each month and that those who do not comply would be required to make other arrangements.

Whereupon, motion was made by Commissioner Clyde Thompson to adopt the IRS accountable method of uniform allowance wherein those receiving a uniform allowance would be required to provide original receipts and documentation as required. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### BEAR CANYON CAMPGROUND RESERVATION PROCEDURE

Clerk, Bruce Funk presented to the Commission for their review the revenue and expenditure report for the year 1991 for the Bear Canyon Campground. He noted that the amount transferred to the County General Fund was \$5,892.92. This represents receipts from pavilion and campground rentals.

Mr. Funk indicated his purpose in coming before the Commission at this time is that the day for taking reservations on the Bear Canyon Campground is approaching. He indicated to the Commission that in previous years there have been problems wherein family organizations will have up to three or four individuals making reservations for their group, tying up several days for the same event. After which, they decide which of those days they want and as a result, cancel out good days which could have been reserved for other individuals.

Therefore, it was his suggestion that the Commission consider another method to prevent that from happening in the future. Mr. Funk proposed that instead of the Clerk's office taking reservations either by phone or walk-in methods on the first working day in February, that those wishing to make reservation submit an application in writing to the Clerk's office. The application would include a first, second and third preference reservation date. Mr. Funk suggested a possible \$25.00 non-refundable reservation deposit fee to be included with the application to hold the desired date(s). This would be

applied to the total reservation and deposit fee assessed. If none of the three preferred dates can be filled, the \$25.00 deposit will be returned. We would accept applications until February 10. On which date, the applications would be randomly selected and the first available date requested reserved. The Clerk's office will begin immediately to inform the public on the new procedure by sending a letter to those making reservations in previous years and by placing a notice in the newspaper.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the \$25.00 non-refundable reservation fee and new procedure for taking reservations. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### BLM CONCERN OVER NON-RECREATIONAL USE OF BEAR CANYON

Laurelle Hughes of the Price BLM office has contacted Commission Chairman Mark Justice noting that in accordance with the original agreement in the BLM leasing, the Bear Canyon recreation area to the County that it appears that the County is not in compliance because of the Cattleman's Association having cattle corrals within those boundaries.

Commission Chairman Mark Justice noted that he will refer this item to the County Attorney's office for review and further advice.

(17)

#### APPOINTING COMMITTEE TO EVALUATE RE-DISTRICTING OF SCHOOL BOARD BOUNDARIES

Clerk, Bruce Funk in a follow-up to his letter of January 3, 1992, to the Emery County Commission and Emery County School Board, emphasized to the Commission the continued consideration to realign the School Board boundaries. He emphasized that those costs expressed in the letter were for census information supplied by the State of Utah. It was again his recommendation that himself and the Clerk's office not be involved in the selection of the group. However, at this time, methods were suggested for selecting such a group. Mr. Funk further noted that it would be up to the Commission whether this matter be given consideration this year or at a future time. It was his recommendation that possibly the Commission give this additional consideration before determining the best method of selecting a representative group.

Therefore, Commission Chairman Mark Justice asked that this matter be tabled for review at a later time.

(18)

#### COUNTY ATTORNEY SCOTT JOHANSEN APPOINTED AS JUVENILE COURT JUDGE

Commission Chairman Mark Justice recognized the appointment of County Attorney, Scott Johansen as the Juvenile Judge in the Seventh Judicial District Court. He further expressed congratulations to Mr. Johansen for this appointment. The Commission has

looked at the status of his office and is considering restructuring that. He noted that in the past it has been a part-time position and that private work from that office has been allowed by the County. It was therefore, the Commission consideration that this be changed from part-time status to full-time.

Whereupon, motion was made by Commissioner Clyde Thompson to change the office of County Attorney to a full-time County position therefore eliminating private practice from that office. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

#### JOINT SCHOOL DISTRICT AND COUNTY LIBRARY COMMITTEE

Commission Chairman Mark Justice noted his recent discussions with the School Board in that they have adopted a Resolution creating a library committee to review the County Library system. It was their recommendation that this be a joint effort between the School Board and the County Commission. The intent was to create a non-biased group to review the total County Library system within the schools, the County as well as the Bookmobile and to make suggestions such as the role of the bookmobile and cooperation between all agencies. They would report back to the Commission and the School Board.

Commissioner Dixie Thompson emphasized that presently the County has such a Committee. It is called the Library Board which does review and make recommendations as to the County Libraries.

Commission Chairman Mark Justice emphasized that being considered was a separate board not to replace the present Library Board or assume any of its administrative duties. It would be made up of citizens not associated with either, but to work independently in studying and making recommendations.

Verda Miller suggested that those selected to be on this Board should be knowledgeable as to the library system.

Mr. Bill Luce of Ferron who also serves on the Library Board indicated that presently the County has the finest system of any in the State and expressed concern in that the school has failed in their responsibilities. Therefore, the School shouldn't have any input. The Commission should consider the input from the present Board and that an additional Board is not necessary.

Commissioner Dixie Thompson expressed concern in that the present Library Board has done extensive studies and made recommendations and that the County should depend upon their expertise. Commissioner Clyde Thompson noted that the efforts here were to cooperate with the school in helping to make future determinations as to Library needs.

Commission Chairman Mark Justice emphasized that the Commission has the right to exercise consideration of such an option.

Dorothy Taylor, Ferron Librarian suggested that issues such as the retention or elimination of the Bookmobile be placed to a vote of the public.

After considerable further discussion, it was the general consensus of most people in attendance that such a committee should be made up of equal representatives from the County Library as well as from the School Library and an equal number from the public. It was therefore, Commissioner Dixie Thompson's motion that an equal number of representatives from the School Board and Library Board only. There being no second, motion died.

Whereupon, motion was made by Commissioner Clyde Thompson to support the creation of an Advisory Library Board being made up of possibly three members from the School District, three from the County Library and three from the public. Their appointment being approved by all the parties concerned. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

It was also noted that the creation of the new Committee would be beneficial in educating the public on such matters.

(20)

#### PLACEMENT OF THE CONTINUANCE OR DISCONTINUANCE OF THE BOOKMOBILE ON THE NOVEMBER BALLOT

Motion was made by Commissioner Dixie Thompson to put on the November ballot the matter of continuing or discontinuing the Bookmobile service in Emery County and that it go to a vote of the public. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(21)

#### OTHER BUSINESS

A) County Employee Parties - This item appeared on the agenda; however, it was Commission Chairman Mark Justice's recommendation that this item be held for review at the first elected officials meeting for further input and consideration.

B) Amount of Reserves to Support Capital Projects and to Set Priorities - Commissioner Clyde Thompson indicated that at this point he was not ready to discuss this matter in that no figures were available from the Auditor's office which would show those funds on hand at the end of 1991.

C) Commissioners Responsibilities - Commission Chairman Mark Justice requested that this matter be held for further review and consideration at the next Commission meeting.

(22)

## LANDFILL SALVAGE RIGHTS

Commissioner Dixie Thompson reviewed the requirements placed on landfills, noting that the County has until October 1993 to formulate its plan. However, she emphasized that presently there are salvage right problems at the landfill. It was her understanding that four people are currently salvaging from the County Landfill. She emphasized that it was not the County's intent to exclude those people from the salvage but release the County from any liability. It was, therefore, after further discussion, the consensus of the Commission that this receive further review and recommendation by the County Attorney's office.

Whereupon, motion was made by Commissioner Clyde Thompson to seek legal advise from the County Attorney's office to make a determination as to what could be done to finalize this matter at the next Commission meeting. Motion as seconded by Commissioner Dixie Thompson and approved by all members present.

(23)

## COMMISSIONERS REPORTS

Commissioner Clyde Thompson:

1. He reviewed the purchase of the Reeves School for the AOG offices. This would also include Economic Development Office for that area. This having been previously discussed in the Commission minutes of

Commissioner Dixie Thompson:

1. She noted she received a FAX from Bill Howell of the Southeastern Utah Association of Governments, expressing concern in Carbon and Emery County over the relocation of the Price UDOT office to a Southeastern Region located in Richfield. The concern is that persons out of that office have worked very aggressively for funding of projects within the Counties and that such a relocation should be of concern to the Counties. It was therefore, Mr. Howell's recommendation that the County draft a letter showing support for continuance of the Price Office of UDOT. This matter having received unanimous agreement by all Commissioners and asked that the County Attorney's office prepare a letter for their signatures.

Motion was made by Commissioner Clyde Thompson to approve Resolution 1-8-92F which was presented later in the meeting. Said Resolution gives Emery County support for the continuance of the Price Office of UDOT. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

2. She advised the Commission that she has prepared a letter of response on the predator control noting that they only have until January 15 to respond. She noted the impact on the livestock people and the resultant economic impact to the communities and Counties surrounding the forest boundaries. She further commented on what those losses

would be to a sheep livestock person such as Jay Mark Humphrey who was in attendance at this time. She noted that those would be \$1,150 before any action could be taken to bring the predators under control. She further recommended getting other impacted Counties involved and solicited their support and that the Emery County Commission also show support. Therefore, Commission Chairman Mark Justice and Commissioner Clyde Thompson also agreed to do all they could in support of the livestock producers and also signed the letter as prepared.

3. Commissioner Dixie Thompson also noted that she is involved in meetings in regards to the land use plan. She also discussed BLM hearings on the wild horse and burro act, noting that there are more animals in certain areas than allowable and that she will support the BLM in their efforts to use motorized vehicles to maintain control of the numbers.

4. She further presented to Commission Chairman Mark Justice a tentative schedule of the Bookmobile Services to the County.  
Commission Chairman Mark Justice:

1. He noted that he has received a request from County Attorney, Scott Johansen wherein he be allowed to purchase the radio battery pack. He noted that Emery County Electronic Technician Bret Mills has appraised the value at \$550. He has further advised that he has his personal possession the BYU Law Review, the University of Utah Law Review as well as the Utah Code Annotated at which he would like to sell to the County at a cost of around \$600, the cost of a new Code set is \$650.00. Mr. Johansen noted that in his new appointment as a Judicial Judge that he does not have use for those books and it would be of value to the County. Whereupon, motion was made by Commissioner Dixie Thompson to accept the request of Mr. Johansen in purchasing the battery pack and that the County purchase from Mr. Johansen the legal books as discussed. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(24)

#### SICK TIME ACCUMULATION

Commission Chairman Mark Justice emphasized the desire for the Commission, at some later time, give consideration to amend the Emery County Personnel Policy as it applies to those who accumulate over 960 hours of sick leave. He noted that those going beyond that period forfeit any hours. He further recognized them as good, reliable and responsible employees and that the Commission should in the future consider either extending the hours or possibly converting them into vacation time.

(25)

#### SHERIFF'S BUSINESS

Sheriff, Lamar Guymon discussed the following with the Commission:



A) Grave Yard Pay - He inquired as to whether the \$25,000 for grave yard overtime pay had been budgeted. This would allow a \$.35 per hour increase for those who work the graveyard shift. Whereupon, motion was made by Commissioner Clyde Thompson to authorize the use of those funds at the rate of \$.35 per hour for those deputies working the graveyard shift. Motion as seconded by Commissioner Dixie Thompson and approved by all members present.

B) Pace Charge Card - He advised the Commission that since Price Savers has now sold to Pace that they no longer honor the present charge card. Therefore, he inquired of the Commission as to how to charge in the future. It was the consensus of the Commission and motion was made by Commissioner Clyde Thompson that the Commission approve the continued charging at the supplier and that Sheriff Guymon work out a practical method of charging with Emery County Auditor Karen Truman. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

C) Car Purchases - He reviewed funds received from the sale of surplus and confiscated vehicles by the Sheriff's department. It was his understanding that these funds could be used to purchase two additional vehicles. He further emphasized that he had not been advised as to whether he could proceed at this time.

Auditor, Karen Truman at this time advised the Commission that it was too late to expend 1991 funds. Therefore, no action was taken at this time on this matter.

(26)

MEETING ADJOURNED

The meeting adjourned at 8:58 p.m.

ComMin1-22-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 22, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:06 a.m.

The invocation was given by Commissioner Clyde Thompson.

(1)

COMMISSIONERS MINUTES

The minutes of the January 8, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman advised the Commission that a Warrant/Check Edit List was not available at this time.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
5	Computer System - Sheriff	934.00	Approved
6	Two Schwinn Airdyne Bikes - Sheriff	1,398.00	Approved
7	Computer System and Modem - Computer	1,798.00	Approved
8	Laser Printer - Computer	980.00	Approved
9	Rolodex with Display - Sheriff	145.99	Approved
10	Podium - Commission	128.88	Approved
11	Audiovisual Cart - Sheriff	174.70	Approved
12	Roller Shelves - Recorder	1,343.00	Approved
13	Spreadsheet Program - Planning and Zoning/Economic Develop.	319.00	Approved
14	Stair-Climber Machine - Sheriff	600.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the requisitions for purchase and ratify the signing of the Warrant/Check Edit List. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### APPOINTMENT OF PATRICIA GEARY AS EMERY COUNTY ATTORNEY

Commission Chairman Mark Justice advised those present of the unanimous vote of the Commission to appoint Patricia Geary as the Emery County Attorney. Ms. Geary will replace Scott Johansen who has been appointed as Juvenile Judge in the Seventh District Court. Motion was made by Commissioner Clyde Thompson to approve the appointment of Patricia Geary as the Emery County Attorney. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Ms. Geary was then given the Oath of Office by Clerk, Bruce Funk.

At the request of the Commission, Ms. Geary emphasized that the goal of the Attorney's office would be to work in harmony with the Commission and other elected officials and department heads. As an office, their goal is to provide effective criminal prosecution and to represent the County in Civil litigations.

(4)

#### FOREST SERVICE - TIMBER BRIDGE INITIATIVE

Mr. Ira Hatch, Ferron Forest District Ranger, together with Aaron Howe, Forest Engineer, and Brent Barney, Assistant Engineer, presented to the Commission a Timber Bridge Initiative application. It was noted that said application, should the County be interested for the year 1992, needs to be in by February 20. It was pointed out that timber bridges are a demonstrated vehicle for the use of timber. This is a proposed grant-type application which would be on a 50-50 participation, with the Forest Service paying up to \$30,000.

A video presentation was shown to the Commission on the uses of timber structures for bridges, noting the advantages of wood structures over concrete or steel. Upon conclusion, Mr. Howe informed the Commission that the Forest Service does provide technical guidelines and has available standard structure designs. He further noted that application can be made for up to \$10,000 for trail end or other type special uses.

Commissioner Dixie Thompson questioned as to whether the information had been given to UDOT. The Commission expressed appreciation to Mr. Hatch, Mr. Howe and Mr. Barney for being in attendance and indicated a willingness on the part of the County to proceed in looking at wood structures provided a project can be identified. One discussed was possibly the Eden Spur bridge.

(5)

#### RECREATION DISTRICT - RANDY JOHNSON COMMUNITY THEATRE REPRESENTATIVE

Mr. Randy Johnson, together with Joann Arnold addressed the Commission. Mr. Johnson indicated that they represents the community theatre group. Their concern is in the creation of the new Recreation District. They requested to have a representative on that board and questioned whether funding in the future would come from that board. Mr. Johnson noted that they would like continual support. He briefly mentioned the Spring and on-going Summer productions.

Commission Chairman Mark Justice noted that they had not been considered as part of the governing board. He pointed out the main purpose in creating such a district was to obtain outside funding in the construction of facilities. As a Recreation Board, they would solicit public input on projects and establish their priority and then work to obtain necessary grants and funding. Rather than their program being funded through such a district, that it would continue to come through the County.

Joann Arnold emphasized that cultural recreation needed to be considered and represented that the creation of an amphitheater should possibly be considered.

(6)

#### BOARD MEMBER APPOINTMENTS TO THE RECREATION DISTRICT

Commission Chairman Mark Justice noted that in the creation of the Recreation District Resolution that it did not specify the appointees or the term of office. It was, therefore, his suggestion that the County appoint three members to serve on that Recreation Board. Those being himself, Drew LeRoy of Orangeville, and John Justice of Clawson, with the length of the term being two years to conclude on December 31, 1993. The balance of the members are to come from each of the nine cities. They are to be four year terms with terms expiring on December 31, 1995.

Questions were raised as to whether the appointment of John Justice being a brother to Commission Chairman Mark Justice appeared to be nepotism. It was suggested that possibly consideration needed to be given to someone other than John Justice.

Commission Chairman Mark Justice noted that John Justice would not be an employee of the County and that any appointee to the Board would need to support the Recreation District.

Concern was expressed by Commissioner Dixie Thompson, other members of the public present and Mr. Steve Thornton. Mr. Thornton expressed that he had concern over two brothers serving on that Board, particularly in looking at the interests.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the appointment of Commission Chairman Mark Justice and Drew LeRoy of Orangeville to serve on that Board and that appointment as to the third member be given further consideration. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(7)

#### GUIDELINES FOR HANDLING OF PESTICIDES FOR MOSQUITO CONTROL

Commissioner Dixie Thompson, together with Weed and Mosquito Supervisor James Nielsen presented to the Commission for their consideration guidelines for ultra-low volume application and handling of pesticides for mosquito control. Mr. Nielsen noted that this document has been reviewed by a number of legal entities from participating counties, the State of Utah and Utah Local Governments Trust. It was noted that these are to be official County guidelines and he feels comfortable and recommends approval by the Commission.

Commissioner Dixie Thompson emphasized the need for the guidelines, the benefits and the protection it provides to the County.

Whereupon, motion was made by Commissioner Dixie Thompson to adopt the guidelines in the application and handling of pesticides for mosquito control for Emery County. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

#### INTERLOCAL AGREEMENT WITH GRAND COUNTY WEED AND MOSQUITO CONTROL

Weed and Mosquito Supervisor James Nielsen presented to the Commission for their consideration a contract with Grand County. He noted that the previous agreement expired December 31, 1991. They have been on a four-year contract, wherein Emery County treats for mosquitos on properties adjacent to Green River and along the river itself which are in Grand County. He noted that it is of mutual benefit to both Counties. The agreement is for a total payment of \$7,280 over a four-year period or \$1,820 per year. He further indicated that this is enough to cover the chemicals this year and next year. They would possibly be required to buy more expensive chemicals next year and there are clauses in the agreement for adding on those additional costs.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Contract as presented. Motion as seconded by Commissioner Clyde Thompson and approved by all members present.

(9)

#### COUNTY WEED BOARD APPOINTMENT

Commissioner Dixie Thompson, together with Weed and Mosquito Supervisor James Nielsen, advised the Commission of the need to appoint a replacement for Jimmy Staker, who is deceased, on the County Weed Board. Mrs. Thompson presented the name of Richard Snowball, pointing out that he has worked before for the County Weed and

Mosquito Department and understands the procedures and chemicals. Therefore, motion was made by Commissioner Dixie Thompson to approve the appointment of Richard Snowball to the County Weed Board to fill the vacancy left by Jimmy Staker. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

#### NURSING HOME BOARD APPOINTMENT

Commission Chairman Mark Justice advised the Commission that the Emery County Nursing Home Board has recommended the appointment of Pat Jones to serve on the Nursing Home Board. Mr. Jones is willing to occupy that position. Therefore, motion was made by Commissioner Clyde Thompson to appoint Pat Jones to serve on the Emery County Nursing Home Board. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### APPOINTMENT OF LIBRARY STUDY COMMITTEE MEMBERS

Commission Chairman Mark Justice suggested the need for appointment by the Commission three Library Study Committee members. He noted that three were to come from the general public, three from the School Board and three from the County Library. He therefore, asked for discussion. It was the recommendation of Commissioner Dixie Thompson that the Library and School Board, in addition to their names, turn in additional names for the Commission to consider for the public representatives.

(12)

#### RON BARNEY - DISCUSSION OF SALVAGE RIGHTS AT THE COUNTY LANDFILL

Ron Barney provided to the Commission 1990 and 1991 salvage amounts. Those amounts as reflected are as sold to Emery Recycling. He noted that in 1991 salvage was down. He asked of the Commission better cooperation. He recommended that a processing plant be used to further reduce the amount of material having to be buried. He further indicated his concern in that he previously understood that he had the salvage rights to the landfill. It was his understanding that others had also been given salvage rights from other department heads. He discussed the difficulty in earning a living from reduced salvage, as well as those who do the actual salvaging themselves.

Commissioner Dixie Thompson emphasized that the purpose in discussing the matter previously was to have those parties who are doing the salvaging sign waivers releasing the County from any liability.

Commission Chairman Mark Justice expressed appreciation for Mr. Barney in being in attendance and that his comments and concerns would be given further consideration by the Commission. This will allow the Commission time to finalize the matter, depending

on the Attorney's office's schedule. This could possibly be finalized by the next Commission meeting.

Mr. Barney further suggested support of his operation in the use of salvage materials. He further expressed concern that in the bid opening of the landfill that afterwards his bid amount had been disclosed to competitors. He noted that it should have been confidential, as well as the information provided to the Commission at this time. Commissioner Dixie Thompson clarified and advised those present that the bid amounts that Mr. Barney is referring to was provided in a public meeting and at that time there was no mention of confidentiality.

(13)

#### PARTIAL RELEASE OF GRD BONDS

Commission Chairman Mark Justice advised those present that presently the County has a \$100,000 surety bond from Gypsum Resource Development. He noted that GRD has agreed that \$10,000 be held for mine site reclamation and \$25,000 for the repair of the County roads. The excess could be used to satisfy the obligations to local contractors. He inquired if it was best to release the \$65,000 to GRD who would then use the funds to pay Nielson Construction and Johansen and Tuttle Engineering. County Attorney, Patricia Geary indicated that all parties have pending litigation and it was her recommendation that those funds not be disbursed by the County.

Mr. Craig Johansen of Johansen and Tuttle Engineering expressed on behalf of himself and Howard Tuttle that they did not want the County to do anything that would jeopardize the County's position. He noted that GRD has never recognized their bill nor is there any assurance that if the County releases funds to GRD that they would get paid.

Mr. Wayne Nielsen of Nielsen Construction indicated they appreciated support of the Commission in collecting any funds. However, they are under legal advise, but that any funds would help. They noted they are under too much financial burden to settle for anything less.

(This matter is to be further discussed in Executive Session. Action by the Commission is to follow in these minutes.)

(14)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel Action Forms for Commission consideration:

A) Gerald Copatch-Weed & Mosquito - Presented was the Personnel Action Form for Gerald Copatch to be hired as a Temporary/Seasonal employee in the Weed and

Mosquito Department to be paid at a Grade 7, working 40 hours per week with no benefits. Effective date is January 13, 1992, through October 13, 1992.

B) Lisa Sherman-Attorney's Office - Presented was the Personnel Action Form for Lisa Sherman to be hired as a Temporary Legal Secretary in the Attorney's Office to be paid at a Grade 6, working approximately six weeks or less. Effective date is January 21, 1992.

C) Loralie Platero-Economic Development/Planning and Zoning - Presented was the Personnel Action Form for Loralie Platero in the Economic Development/Planning and Zoning office to be changed from a temporary employee to a regular part-time employee working less than 20 hours per week at a Grade 6 with no benefits. Effective date is January 13, 1992.

D) Scott Johansen-County Attorney Resignation - Presented was the Personnel Action Form for Scott Johansen who has resigned his position as Emery County Attorney due to his appointment as Juvenile Judge in the Seventh District Court. Effective date is January 17, 1992.

E) Patricia Geary-County Attorney - Presented was the Personnel Action Form for Patricia Geary who has been appointed as the new Emery County Attorney to replace Scott Johansen. Effective date is January 17, 1992.

F) Mary Gomez-Deputy County Attorney Resignation - Presented was the Personnel Action Form for Mary Gomez who has resigned as Deputy Emery County Attorney. Effective date is January 17, 1992.

Motion was made by Commissioner Dixie Thompson to accept the resignations and Personnel Action Forms as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(15)

## COMMISSIONERS REPORTS

Commission Chairman Mark Justice:

1. He advised those present of the public hearing on the UDOT office relocation. That being set for January 23, 1992, at 7:00 p.m. in Price at the Carbon County Commission Chambers. He noted that this

effects 19 positions in the Price office. He advised those present that the Commission has gone on record in opposition to that relocation.

2. He asked Steve Thornton to discuss with the Commission the joint UMWA and BCOA request in providing insurance and other benefits for mining retirees. Mr. Thornton went on to note that their purpose in coming before the Commission was to solicit Commission support and ask that the County consider adopting an Ordinance. He noted that if the congressional bill doesn't pass, that there could be major labor unrest and



that a lot of residents in the County are affected. It has the support of the coal operators as well as the unions. Ken Gilbert urged the Commission to submit a letter of support to Senator Hatch and that the Commission review the packet submitted to them for review.

It was therefore, the consensus of the Commission that Commission Chairman Mark Justice draft a letter. He indicated that they will meet on Monday and that any Ordinance and further consideration will be finalized to be adopted in the next Commission meeting. (The letter will be submitted upon approval of all parties.)

(16)

#### PREDATOR CONTROL - COUNTY POSITION

Commissioner Dixie Thompson asked for clarification as to the County's position in regards to the predator control. She noted that Commission Chairman Mark Justice had not signed the letter which she had originally prepared for submission and that surrounding Counties have joined in support. In Mr. Justice's letter to the Forest Service, it was not clear as to his position in the matter. The Commission letter was to serve as a letter of appeal.

Commission Chairman Mark Justice noted that he was not made aware in the beginning that the letter was an appeal. His purpose in submitting his own letter was to reflect his thoughts and that he was not involved in the previous draft or agreed complete with the language or method used. He emphasized that he is in agreement with increasing the number of permittees and that he was not in agreement with the Forest Service action as it relates to the predator control.

(17)

#### EXECUTIVE SESSION

Motion was made by Commissioner Clyde Thompson to adjourn into Executive Session to discuss impending litigation at 11:30 a.m. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

Those present in Executive Session were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; Economic Development Director, Bryant Anderson; and Clerk, Bruce Funk.

Executive Session adjourned at 12:34 p.m. and reconvened the Regular Commission meeting.

(18)

#### GRD RELEASE OF BOND

Motion was made by Commissioner Clyde Thompson to release \$65,000 of the \$100,000 trust bond held by the County. Those funds are to be released with the stipulation that Nielsen Construction and Johansen and Tuttle Engineering do not come against the County for any amounts beyond the balance due them or as determined by an arbitrator, whichever is less. Also, that this disbursement be as agreed upon by Gypsum Resource Development and that the checks be issued in the name of both parties. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Clyde Thompson at 12:34 p.m. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin2-5-92

### MINUTES OF THE REGULAR MEETING

### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

### HELD IN THE EMERY COUNTY COURTHOUSE

February 5, 1992

(1)

#### PUBLIC HEARING - OLIVER SPUR ROAD ABANDONMENT

Commissioner Clyde Thompson opened the Public Hearing at 9:06 a.m. to discuss the consideration of the abandonment of the Oliver Spur Road. Those present were Commissioners Clyde Thompson and Dixie Thompson; Clerk, Bruce Funk; and County Attorney, Patricia Geary; Sheriff, Lamar Guymon; Commission Secretary, Leslie Bolinder; and Road Superintendent Rex Funk.

Acting Commission Chairman Clyde Thompson noted that the public hearing had been advertised in the Emery County Progress for 9:00 a.m. today and again as part of the Commission meeting agenda for 6:00 p.m. tonight. He then opened the meeting to public comment.

Sheriff, Lamar Guymon advised the Commission that they need to make a determination in regards to the road.

There being no other comments, Acting Chairman Clyde Thompson adjourned the meeting at 9:18 a.m. until the regular meeting at 6:00 p.m.

(2)

## REGULAR COMMISSION MEETING RECONVENING

Commission Chairman Mark Justice opened the regular Commission meeting at 6:00 p.m. Those present were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The invocation was given by Commissioner Dixie Thompson.

(3)

## CONTINUATION OF PUBLIC HEARING ON OLIVER SPUR ROAD ABANDONMENT

Commission Chairman Mark Justice inquired if those parties present were ready to proceed. He was advised by one of the interested parties that legal counsel had not yet arrived. It was agreed upon by all parties that this matter be reconsidered and moved to 6:30 p.m. The Public Hearing then continued at 6:30 p.m. as follows:

Elaine Matthews, legal counsel representing Alice Schaab in regards to the Oliver Spur Road abandonment, pointed out that the maps clearly show that the road is a County Class D Road.

County Attorney, Patricia Geary noted that the County does recognize it as a County Road, otherwise they could not consider it for abandonment at this time. Ms. Matthews went on to describe the location of the Schaab's property. She noted that the road is the only access to the Schaab property and that if abandoned, Mrs. Schaab would be land-locked and forced to obtain easements or construct roads. It was further pointed out by those present that in the abandonment of the road that the property would revert to property owners on both sides of the road.

Road Superintendent Rex Funk noted that this particular road had not been maintained since 1987 at the request of previous property owners.

Mr. Lee Thayn, supporting the abandonment of the road, noted that the problem has been because of cattle and the need for them to close the gates in order to contain the livestock. He emphasized that there has been no County maintenance and that the County has assumed ownership of the road.

Commission Chairman Mark Justice inquired of Mr. Thayn if they would respect the Schaab's access. Mr. Thayn responded that he is not saying she didn't have a right, again emphasizing that it is not a public road. He noted that they have never questioned the right, but because of recurring problems, they may do so.

Mrs. Schaab pointed out that the condition of the road is poor. The gentleman who owns the livestock and grazes them on the property addressed the Commission, noting that the problem has been Mrs. Schaab not closing the gate and allowing the livestock to travel

into Green River, leaving him in a liable situation. There are approximately 600 head of cattle. Mrs. Schaab emphasized that the property could be fenced on the sides.

Road Superintendent Rex Funk further discussed that it has been a Class B road back to 1962. The gates have always been on the properties. Mrs. Schaab indicated that she has lived there for 21 years, noting that the road used to be well maintained, including snow removal.

Commission Chairman Mark Justice emphasized that the Commission has been somewhat reluctant to make a hasty decision. This having been discussed through 1991. Their concern is to do what is right.

There being no additional comments from those present, Commission Chairman Mark Justice asked for a motion. Whereupon, motion was made by Commissioner Clyde Thompson to abandon the Oliver Spur Road and close the public hearing. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. The public hearing was closed at 7:00 p.m.

It was noted that it is not detrimental to the public interest.

The regular Commission meeting then continued with other matters on the agenda.

(4)

#### COMMISSIONERS MINUTES

The minutes of the January 22, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(5)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman advised the Commission that no Warrant/Check Edit List was available because of year-end closing. She presented the following requisitions for Commission consideration:

Req. #	Item and Description	Amount	Action
15	Grant Writing Workshop - Commission	700.00	Approved
16	Medical Records System - Nursing Home	2,300.00	Approved

17	1990 Survey Deficiency Corrections - Nursing Home	5,000.00	Approved
18	Dietary Stoneware - Nursing Home	1,700.00	Approved
19	Facility Linens - Nursing Home	3,500.00	Approved
20	Air Compressor - Road	1,645.80	Approved
21	Office Workcenter - Assessor	245.00	Approved
22	Facsimile Machine - Justice Court (Green River)	895.00	Approved
23	Anti-Static Chair Mat - Auditor	137.00	Approved
24	Anti-Static Chair Mat - Clerk	137.00	Approved
25	Paper Shredder - Justice Court (Green River)	1,385.00	Approved
26	Reversible Chalkboard - Sheriff	212.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

AMENDING THE 1991 EMERY COUNTY BUDGET - RESOLUTION 2-5-92A

Auditor, Karen Truman presented to the Commission for their consideration Resolution 2-5-92A wherein the Emery County Commission amends the 1991 Revenue and Expenditure Budgets as described therein. It was noted that the overall revenues and expenditures do not exceed the previously approved amount of \$8,524,321, therefore not requiring any public hearing or advertising in this matter.

Whereupon, motion was made by Commissioner Clyde Thompson to adopt the Amended 1991 Emery County Revenue and Expenditure Budgets as presented in Resolution 12-5-92A. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

LIFETIME HEALTH BENEFITS FOR RETIRED MINERS - RESOLUTION 2-5-92B

Mr. Steve Thornton came before the Commission wherein the Commission was considering Resolution 2-5-92B supporting the U.S. Senate Bill #1989 and the U.S. House of Representatives Bill #4013 maintaining the commitment of lifetime health benefits for retired miners. Mr. Thornton expressed appreciation to the Commission for this resolution being considered by the County. He indicated that it fully addresses the issues. He then introduced to the Commission the following retired coal miners: Reno Spigarelli, Steve Zaccaria, Joseph Fazzio and Lawrence Buckley. Mr. Thornton noted that many of the benefits present day miners enjoy are a result of individuals like these and the County needs to get behind the coal miners and support them.

Whereupon, motion was made by Commissioner Clyde Thompson to adopt Resolution 2-5-92B as presented wherein the County Commission strongly supports Senate Bill #1989 and House of Representatives Bill #4013 and urges the Congress of the United States to enact these bills into law. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

EMPLOYMENT CONTRACT - DAVID A. BLACKWELL, DEPUTY COUNTY ATTORNEY

County Attorney, Patricia Geary presented to the Commission for their consideration the employment contract between Emery County and David A. Blackwell to be hired as an Emery County Deputy Attorney, effective February 1, 1992, continuing indefinitely. Wherein, Mr. Blackwell will perform 40 hours of legal service per week to the County at an annual salary of \$49,500. This will include regular employment benefits. Motion was made by Commissioner Clyde Thompson to approve the employment contract between Emery County and David A. Blackwell as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

EMPLOYMENT CONTRACT - TERESA MANZANARES, LEGAL OFFICE MANAGER

County Attorney, Patricia Geary presented to the Commission for their consideration the employment contract between Emery County and Teresa Manzanares. Said contract changes Mrs. Manzanares' position to that of a Legal Office Manager at an annual salary of \$30,000 for an average of 32 hours per week of legal office management services to the County. This will include holidays, vacation time and other benefits as specified therein. Whereupon, motion was made by Commissioner Dixie Thompson to approve the employment contract between Emery County and Teresa Manzanares as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

## OIL LEASE AGREEMENT

County Attorney, Patricia Geary presented to the Commission the Oil Lease Agreement for their consideration. She noted that her office has reviewed the document and determined that it appeared to be okay. Whereupon, motion was made by Commissioner Clyde Thompson to approve the Oil Lease Agreement as presented unless the County Attorney's office finds further objection. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. (The lessor name was not made available to the Clerk for the minutes at this time.)

(11)

## ROAD DEPARTMENT BUSINESS

A) Timber Bridge Initiative - Road Superintendent Rex Funk in a follow-up to the Timber Bridge Initiative discussed in the Commission minutes of January 22, 1992, item #4, reported that he has further reviewed the deadlines and possible projects with Aaron Howe, Forest Service Engineer. They have concluded that the County could not meet the deadline of February 21, 1992, and therefore, he would look into projects for consideration next year.

B) Disposal of Belly Dump Trailer and Purchase of Three Snow Sanders - Road Superintendent Rex Funk reviewed with the Commission that on September 4, 1991, he was given permission to dispose of a belly dump trailer and that has been on consignment at Western Truck and Trailer. They have advised him that they have a sale that would net the County \$10,000. He, therefore, asked permission of the Commission to use these funds to purchase three snow sanders and that this would be a reallocation of Class B road monies. He asked permission to seek bids for the sanders. Whereupon, motion was made by Commissioner Dixie Thompson to accept the proposed sale of the belly dump in the amount of \$10,000 as recommended by Road Superintendent Rex Funk and that he be authorized to proceed in the soliciting of bids for three sanders and reallocation of those receipts for purchase of the sanders. Motion was seconded by Commissioner Clyde Thompson with the addition that it receive County Auditor approval. Motion was approved by all members present.

C) Road Grader Approval - Road Superintendent Rex Funk reviewed with the Commission the need to solicit bids for one road grader. He noted that the present grader being considered for replacement is a 1981. He indicated that it is in need of extensive repairs and that this is the last of the old graders. His request of the Commission was permission to proceed in soliciting bids for the purchase of a replacement grader. Whereupon, motion was made by Commissioner Dixie Thompson to authorize the Road Department to seek bids for a replacement grader. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

The following items followed the public hearing of the Commission in regards to the Oliver Spur Road.

(12)

LARRY LISTON - MAY TAX SALE - EXTENSION REQUEST

Treasurer, JoAnn Behling reviewed a request of Larry Liston in regards to a payment extension on property taxes. Such properties are being considered for the May Tax Sale. She noted that unpaid taxes date back to 1987. She further advised the Commission that Mr. Liston is agreeable to make payments, but could not have the balance paid by the time of the May Tax Sale. Therefore, it was her request of the Commission that they consider authorizing a property tax extension, as having been done in the past. Whereupon, motion as made by Commissioner Clyde Thompson to authorize the property tax extension for Larry Liston as requested in that all outstanding taxes would be paid by November 30, 1992. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

BOARD MEMBER APPOINTMENT TO RECREATION DISTRICT

Commission Chairman Mark Justice in a follow-up to Commission action of January 22, 1992, item #6 wherein the Commission had at that time appointed two members to the Recreation Board. At this time, Chairman Justice presented the name of Joe Manzanares of Ferron, Utah, to serve as the third appointee by the Commission on that Board. Whereupon, motion was made by Commissioner Dixie Thompson to approve the appointment of Joe Manzanares to the Emery County Recreation District Board as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(14)

SOUTH EMERY WATER CONSERVANCY DISTRICT BOARD MEMBER APPOINTMENTS

Commissioner Dixie Thompson advised the Commission of a request of the Board of the South Emery Water Conservancy District, noting that they have four unexpired terms to be filled. Their request of the Commission was to appoint replacements for the vacancies. The following names were suggested: M. Duane Butler, for three years; Gary Petty and Craig Anderson, each for two years; Clyde E. Mortensen (retention) and Eric Anderson, each for one year. The request was signed by Clyde E. Mortensen, Chairman of that Board. Whereupon, motion was made by Commissioner Dixie Thompson to approve the appointments as requested. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(15)

EMERY COUNTY WATER CONSERVANCY DISTRICT BOARD APPOINTMENT

Commissioner Dixie Thompson advised the Commission that Eugene Johansen has requested the appointment of Jack Curtis to replace Mark Humphrey, who is deceased, on the Emery County Water Conservancy District Board. Whereupon, motion as made by



Commissioner Dixie Thompson to approve the appointment of Jack Curtis to fill the vacancy left by Mark Humphrey as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(16)

#### LIBRARY - BOOKMOBILE STUDY TASK FORCE APPOINTEES

Commissioner Dixie Thompson presented to the Commission the names of Verda Miller, Bill Luce and Claudia Marietti to serve as Library Board representatives on the proposed Library Study Committee. Whereupon, motion was made by Commissioner Dixie Thompson to approve the same. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Also presented to the Commission were the following recommendations from the Emery County Library Board: Sam Singleton, representing the Southern portion of the County, Jay Mark Humphrey, representing the Central portion of the County and Ralph Ison, representing the Northern portion of the County. These names, together with three other yet unnamed individuals will be recommended in consideration of filling the additional three slots of Bookmobile Task Force Appointees not affiliated with the County Library or School Library Boards. Motion was made by Commissioner Dixie Thompson to approve the names as submitted. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(17)

#### UTAH STATEHOOD CENTENNIAL LICENSE PLATES ON COUNTY VEHICLES

Reviewed with the Commission was a letter from the Utah State Tax Commission wherein Governor Bangerter has expressed a desire that each non-state owned EX plated vehicle be allowed to display the Centennial plate as an option to the regular Ski Utah plates for a charge of \$4.50 per vehicle. This display on government vehicles will show support for the statehood's centennial celebration and assist in the promotional efforts for the new plates. It was noted that the cost for citizens to purchase these plates for vehicles is an additional \$25.00. The plates can only be displayed up through 1997. After discussion by elected officials and department heads present, motion was made by Commissioner Clyde Thompson to authorize each elected official or department head to join in support of the Utah Statehood Centennial by displaying the new plate on each non-state owned EX plated vehicle if they choose to do so. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(18)

#### CLARIFICATION OF COMMISSION RESPONSIBILITY CHANGES

Commissioner Dixie Thompson inquired of the Commission as to why the 1992 Commissioner responsibilities had been made without consulting with her. She noted

that she has had four departments taken out of her jurisdiction and was not informed of the changes being made.

Commission Chairman Mark Justice pointed out that it was his understanding that as Commission Chairman, certain departments as agreed upon belonged with that responsibility. The changes in the landfill and others were discussed with Commissioner Clyde Thompson. As a majority of the governing board, they agreed on those changes. Basically, this was the same procedure as followed last year by Commissioner Dixie Thompson and himself wherein the 1991 Commission responsibilities were decided at that time by a majority of the Commission and Commissioner Clyde Thompson had been excluded from that process. Commissioner Dixie Thompson respects the democratic process.

(19)

#### COMMISSIONERS REPORTS

Commissioner Clyde Thompson:

1. He reported that people of Emery County need to be concerned over the BLM's proposal to burn Byron Johansen's cabin in the vicinity of the San Rafael Bridge. He noted that it has been a public landmark. Discussed was whether the building was located on a State school section and whether it was in the wilderness area. Emphasized was a need to follow up.

Commissioner Dixie Thompson:

1. She reviewed progress on the land use issues from the Utah Association of Counties. She noted that they will be going to the Community Impact Board for monies, as well as looking at other private financing.
2. It was further pointed out that the Utah Legislature is in the process of passing a tarping ordinance for the entire State. She noted that it will include a one-year moratorium for trucks to comply and it has passed Committee.
3. She further reviewed other bills pending in the legislature.

Commission Chairman Mark Justice:

1. He reviewed a bill sponsored by Brad Johnson in regards to representation on the Community Impact Board from our area.
2. He noted that the UDOT office in Price being transferred to Richfield is still under consideration.

(20)

#### EMPLOYEE COMMITTEE BY-LAWS

Carol Ware, Chairman of the Emery County Employee Committee, presented to the Commission the proposed By-Laws of the Emery County Employee Committee. They advised that the By-Laws have been presented to department heads, elected officials and all employees for review. Wherein, it establishes an Employee Advisory Committee to be comprised of eight voting representatives and one non-voting representative, excluding elected officials, Commissioners and Department Heads. It also outlines the departments those representatives come from. She also advised the Commission that the following individuals have been selected: Carol Ware, Janet Petersen, Jami Luce, Les Wilberg, Don Morlan, Carole Larsen, Odessa Jones, Sylvia Nelson (Assistant), four other individuals from the Sheriff's office and Pat Snowball (non-voting).

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Emery County Employee Committee By-Laws as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(21)

#### GREEN RIVER SHERIFF-ASSESSOR OFFICE REMODELING

Sheriff, Lamar Guymon, together with Assessor, James Fauver, advised the Commission of the need to combine the offices in Green River together with the staff of Judge Burns. Wherein, the Sheriff and the Assessor would combine the office and rearranging the space to better facilitate the covering of the offices when an employee is absent. They have reviewed this with Judge Burns.

Whereupon, on the recommendation of Commission Chairman Mark Justice, motion was made by Commissioner Clyde Thompson to approve the renovation of the Green River office under the direction of himself. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(22)

#### SCHOOL BOARD DISTRICT REALIGNMENT

John Jorgensen came before the Commission and inquired as to the reapportionment of the School Board District. He expressed an interest in serving on such a board. The Commission so advised that he would be considered at the time of establishing the board.

(23)

#### EXECUTIVE SESSION

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson and approved by all present to meet in executive session at 7:34 p.m. to discuss pending litigation. Those present at that time were: Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; Clerk, Bruce Funk and Assessor, James Fauver.

The Commission resumed the Regular Commission meeting at 7:54 p.m.

(24)

GRD SETTLEMENT

Motion was made by Commissioner Clyde Thompson to allow County Attorney, Patricia Geary to negotiate a settlement on behalf of Emery County to all parties in relation to Gypsum Resource Development and those parties with pending litigation against the County. This is to be under the direction of the Commission. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(25)

MEETING ADJOURNMENT

Motion was made by Commissioner Clyde Thompson to adjourn the meeting at 7:55 p.m. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin2-19-92

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

February 19, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Clerk, Bruce Funk.

(1)

COMMISSIONERS MINUTES

The minutes of the February 5, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #920393 through and including #920547 for payment. Motion was made by Commissioner Clyde Thompson to approve the Warrant/Check Edit List for payment. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
27	Fuel tank for waste oil - Road	776.00	Approved
28	Pagers for Ambulance Dept. - Sheriff	8,343.75	Approved
29	Hand-held radios for Ambulance Dept. - Sheriff	2,532.00	Approved

The Commission signed the same for purchase.

(3)

#### INTRODUCTION OF DAVID BLACKWELL, DEPUTY EMERY COUNTY ATTORNEY

County Attorney, Patricia Geary introduced David Blackwell to the Emery County Commission. Mr. Blackwell commented that he is from Sevier County and he has been involved there for the past five years in private practice and one year prior with a judge. Mr. Blackwell indicated he will be moving his family to Emery County as soon as their home in Sevier County is sold.

Commission Chairman Mark Justice, on behalf of the Commission expressed appreciation to Mr. Blackwell in accepting the job.

Commissioner Clyde Thompson also indicated that Mr. Blackwell came highly recommended by others from that area.

(4)

#### BLM ROAD CLOSING IN WSA

Penelope J. Smalley, together with Trish Lindaman and Wayne Livingston came before the Commission to discuss road closure on the BLM WSA study areas and signing of the same. They presented maps to the Commission, noting that they are not in all cases closing roads, but that it just appears that way. They reviewed areas with the Commission which they are closing to Off Road Vehicles and those areas to be closed except to limited designated roads. They further reviewed other areas that have seasonal

closure except for designated roads. They asked for future Commission input into those designations.

Commissioner Dixie Thompson requested that BLM do no further signing and allow the County to compile their information which they expect to have by April. She suggested that the BLM put a hold and that at that time both agencies go over those areas road by road.

(5)

#### BLM CRITICAL HABITAT - WEDGE - SAN RAFAEL CACTUS

Wayne Livingston of the BLM discussed with the Commission the ACEC which is the Area of Critical Environmental Concern in regards to critical habitat at the Wedge overlook. This is in regards to the San Rafael Cactus. It is in the middle portion of the San Rafael Canyon on the Wedge area. It was noted that this is an area of high recreation use. The San Rafael Cactus was declared endangered in 1986. The BLM has been involved in the on-going study for the past two years and will again make a determination of the status of the cactus.

Commissioner Clyde Thompson noted that he has observed flowers every year. In one particular area the first year, there were only five to six plants and last year in an area of the approximate size of the Commission meeting room, that approximately 38 plants were observed.

BLM, cont. . . .

The BLM proposal would be to restrict usage in that portion in order to protect the cactus.

Commissioner Dixie Thompson inquired if there would be campgrounds that would be disturbed. Mr. Livingston indicated that yes there would be. She also questioned if a cage could be placed around the cactus to protect them.

Mr. Livingston indicated that there is approximately 12,000 acres involved and that the BLM doesn't want to highlight their presence. Mr. Livingston indicated that what the BLM wants to do is designate roads, trails and campsites where the cactus has already been eliminated. This would be done by designating open roads.

Commissioner Dixie Thompson inquired how this was going to be enforced over the Easter weekend. She also requested that the signing be done in cooperation with the County, in which Mr. Livingston was in agreement.

In response to a question by Commission Chairman Mark Justice, Mr. Livingston indicated that eventually the campsites will have tables and rest rooms, but for the immediate future, there will be no improvements to the campsites.

Commission Chairman Mark Justice inquired of Road Superintendent Rex Funk if there will be any impact on the County roads. Mr. Funk responded that if the roads are clearly marked, there will be no problem.

In response to a question by Commissioner Clyde Thompson, Mr. Livingston responded that By Johansen's cabin will be moved by Kirk Johansen instead of being burned. This is because Kirk Johansen wants the cabin moved because he is giving up his grazing rights there.

Commissioner Dixie Thompson indicated she has had scouts ask about preserving the swinging bridge. She has been informed there is lead in the paint and inquired if brattice could be used so the paint would not fall in the river. Road Superintendent Rex Funk indicated that the paint should be analyzed to see if there is lead in the paint.

Commission Chairman Mark Justice raised a concern about the amount of grazing being allowed. He indicated he would like to see that increased. Mr. Livingston informed him to contact Penelope Smalley regarding that concern.

(6)

#### CONSIDERATION OF RECREATION DISTRICT BOARD MEMBERS

Commission Chairman Mark Justice read the following names who are appointees to the Recreation Board from the various cities in the county:

Howard Tuttle	Orangeville
Dale Roper	Ferron
Scott Ward	Cleveland
Allan Almond	Huntington
Ross Huntington	Castle Dale
Dennis Jones	Elmo
John Justice	Clawson
Glenys Sitterud	Emery
Doug Shorts	Green River

(7)

#### GYPSUM RESOURCE DEVELOPMENT'S REQUEST TO USE COUNTY ROADS

Road Department Supervisor Rex Funk came before the Commission to advise them that Gypsum Resource Development has requested that they be allowed to conduct an intensified haul for 10 days. They would be hauling between 13,000 to 15,000 tons of material during that time and then would not use the road again for the rest of the year.

They would be using Kerwin Jensen Trucking. Mr. Funk indicated that the road department would be regravelling the road anyway so now would be an acceptable time to allow this. It was Mr. Funk's feeling that allowing GRD to do this at this time would have the least impact in this situation and the road department would closely monitor the haul. Mr. Funk further indicated that if GRD needs to do this annually, he will recommend that they do it earlier in the year.

It was the opinion of both Commissioner Clyde Thompson and Commissioner Dixie Thompson that they would approve GRD's request on the condition that the road department closely monitor the haul. Commissioner Clyde Thompson advised that the trucks should not be allowed to haul too close together and perhaps should be limited to a certain number of loads per day; also, he indicated there needs to be a stipulation whereby GRD could not come back in and use the road without the county's permission for the rest of the year. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve GRD's request for an intensified haul. Motion was approved by all members present.

(8)

#### REPORT ON CIB FUNDING FOR BOB SPRINGMEYER

Economic Development Administrator Bryant Anderson came before the Commission to inform them concerning Bob Springmeyer's plan for which he wants CIB funding. Mr. Anderson indicated that there is some additional information that needs to be obtained from Mr. Springmeyer. He said the county needs to know what kind of plan he has, what his objectives are, what services he would offer and, when this is all over, what would we have in our hands and what would it cost us. Mr. Anderson said he would like to see a mapping project of the county and understands that the State is doing some of that and he would like to see some city beautification type things and he is looking into those things.

Mr. Anderson also informed the Commission that Discovery Resource in Cleveland has started their training program. He stated that he felt that this was an excellent example of economic development. He said that this has involved local investors and that the Emery County Telephone Co., Job Service, and Cleveland City has been very co-operative and he wanted to publicly commend these people.

Commission Chairman Mark Justice talked about Discovery Resource's offer to do surveys for the county free-gratis. The Commission discussed some subjects upon which they felt a survey would be useful. Commission Chairman Mark Justice stated that a ribbon cutting ceremony for Discovery Resources is being planned and they had asked the Commission to participate in that. Commission secretary Leslie Bolinder was asked to make contacts concerning the ceremony.

(9)

#### DARRELL LEAMASTER'S REPORT ON PROJECTS TO BE TAKEN BEFORE THE CIB



Commission Chairman Mark Justice advised the Commission that Mr. Leamaster could not be in attendance today but had submitted a written report outlining the projects that Castle Valley Special Service District would be taking before the CIB for funding. He indicated that they have applied for or will be applying for a well head protection study, sewer projects in Huntington and Elmo, road projects in Molen, Huntington, Cleveland, Castle Dale, Orangeville and again in Castle Dale and culinary water projects in Castle Dale and Orangeville. The total costs of those projects, including engineering costs, is \$633,000. They are applying for the same basis they did last year which was a 50% grant.

(10)

#### REQUEST FROM DON MCNAULTY OF ANIMAL DAMAGE CONTROL FOR FUNDING

Don McNaulty of Animal Damage Control came before the Commission for the purpose of appropriating funds for identifying areas where livestock men have experienced heavy losses in the past and to assist in controlling those losses. Mr. McNaulty advised that this is done by helicopter and that, in the past, the livestock men have funded this themselves. Mr. McNaulty indicated that Garfield County and Wayne County had contributed in the past with Wayne County contributing \$3,000.00. Mr. McNaulty explained about some of the problems connected with predators and indicated that he dealt mostly with coyotes. He further explained that his department does studies to determine problem areas and deprivation and works in those areas where there is animal damage.

Commission Chairman Mark Justice asked Auditor Karen Truman if there would be funds available that could be contributed to Mr. McNaulty's department. She stated that there would possibly be some funds available. Although no specific amount was determined at this time, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to appropriate funds for Animal Damage Control. Motion was approved by all members present.

(11)

#### HUNTINGTON CITY'S REQUEST TO PURCHASE COUNTY OWNED PROPERTY

Commission Chairman Mark Justice reviewed with the Commission the action decided on at the January 8, 1992 commission meeting whereby Kim Earl came before the Commission to express an objection to selling certain county property located in Huntington to Scott McArthur. It had been the consensus at that time to sell the property to the highest bidder after advertising the property and in accordance with the Emery County Procurement and Disposal procedure.

Commission Chairman Mark Justice indicated that he had received a letter from Mayor Raymond Martinez who requested that the property be sold to Huntington City. Commissioner Dixie Thompson suggested that they get all the parties together and see if something could be worked out. Commissioner Clyde Thompson suggested that, since

Huntington City has a water line that runs through the property, they give the property to Huntington City.

Whereupon, motion was made by Commissioner Clyde Thompson to table this matter until the parties are contacted. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### PAT SNOWBALL - PERSONNEL MATTERS

A) Sick Leave - Personnel Director Pat Snowball came before the Commission to advise them of two issues that deal with sick time. She indicated that there had been a suggestion to look at the 120 day cap on sick leave. It had been suggested that it was maybe unfair for faithful and diligent employees to have their time drop off at 120 days even though it is true that the time does not actually belong to the employee. The other issue concerned abuse of sick leave. She proposed that the whole issue of sick leave be addressed and that it be given initially to the employee's committee to do a study, obtain statistics, suggest options, and then to go to the Commission.

B) Attorney's Office Secretary 3/4 time - Pat Snowball advised the Commission that the Attorney's Office is ready to start the recruiting procedure to fill the position of secretary working 3/4 time. She indicated that because the office needs someone with a firm base in legal expertise, that it would be better to post the position in-house and then to have Job Service advertise it instead of pulling names from their computer. The temporary person who is now filling that position will be advised of the procedure and will be considered as an applicant.

Motion was made by Commissioner Clyde Thompson to proceed as indicated by Mrs. Snowball in all of these matters. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

#### SUPERHOST TRAINING

Leslie Bolinder came before the Commission and advised them that they had a master trainer from the State come down and perform two days of intensive training for 10 individuals. These individuals have completed the course and are now community trainers who can go out in the community and train for the Superhost program. She indicated that if the Commission wanted to extend this training to all the employees, there would be a cost involved for the books of \$7.50 per employee. She asked the Commission if they wanted to cover that expense for the employees. Pat Snowball advised that the employees would need to be compensated for attending the program. Mrs. Bolinder indicated that her plan was to hold the training sessions during regular working hours and schedule 6 or 7 sessions at different times so that employees could attend when most convenient for them and their department. This training would be

optional on the part of both the employee and the supervisor. Auditor Karen Truman indicated that each department has a miscellaneous line item that they can take that expense out of. It was the consensus of the Commission that they proceed with the training as Mrs. Bolinder had indicated.

(14)

#### COMMISSIONERS REPORTS

Commissioner Clyde Thompson:

1. He reported on Garfield County considering a conservation district rather than a national park designation in their wilderness study area.

Commissioner Dixie Thompson:

1. She discussed several bills that are pending in the legislature at this time.

(15)

#### CLERK'S OFFICE - ELECTION MATTERS

County Clerk Bruce Funk advised the Commission that the time period for candidates to file for office is March 15, 1992 to April 15, 1992. He asked approval from the Commission to procure survey maps from the State that would be used by the upcoming committee that will consider restructuring school board boundaries. He further indicated that if the Commission was going to move ahead with restructuring those boundaries this year, then that process would need immediate attention as it should be done before the filing date. Commissioner Clyde Thompson indicated that this should be done this year.

Mr. Funk also inquired of County Attorney Patricia Geary as to whether her position would be up for election. She indicated to Mr. Funk that it was her opinion that the county attorney's position would not be up for election this year and, unless someone challenged that opinion, it would stand. She further indicated that she had given her opinion on the matter to the Attorney General's office and, unless she hears otherwise from them, will assume that it is correct.

Motion was made by Commissioner Dixie Thompson to give permission to Mr. Funk for obtaining the survey maps. The motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(16)

#### MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 11:10 a.m.

ComMin3-4-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

March 4, 1992

Those present at the meeting were Commissioners Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by acting Commission Chairman Clyde Thompson at 6:00 p.m.

The invocation was given by Clerk, Bruce Funk.

(1)

UTAH ASSOCIATION OF COUNTIES COMPREHENSIVE MASTER PLANNING PROJECT

Mr. Lee Roy Farrell together with Alane Boyd, of Eckhoff, Watson and Preator Engineering addressed the Commission to review with them the Utah Association of Counties Comprehensive Master Planning for Utah Counties. Mr. Farrell noted from Emery County that Commissioner Dixie Thompson and past UAC President and County Auditor, Karen Truman are on the Utah Association of Counties steering committee. He further recognized their efforts. He also recognized Mr. Bill Howell of the Southeastern Utah Association of Governments, noting that they will be involved with Mr. Howell as well as all AOG directors.

Mr. Farrell began by noting that through such a comprehensive county plan for private, State and Federal land, each county can develop strategic plans facilitating economic and social development and actively participate in and influence federal decisions being made for public lands. Each county's plan would be designed as to preserve the County's heritage as well as their individual uniqueness. The resultant master plan or "Blue Print" as referred to for the County is a result of a joint effort of Cities, Counties, Service Districts and other agencies as well as public input. The needs would be established through scoping meetings in an effort to include all sides. After scoping meetings, County officials are to arrive at a consensus for the final blueprint, meeting the individual needs of the County. The blue print will take into account the important features and characteristics of communities and county, together with the described existing and potential economic future of the County. It will also recognize those resources which have a strategic significance to the future of the County.

He further reviewed with those present the process which they would go through in establishing the goals, collecting the data of the analysis and the final plan adoption. The overall scoping through implementation would take approximately two years. In response to a question by Commissioner Clyde Thompson, Mr. Farrell advised that as they go through the counties that those in particular regions, would more than likely have similar goals and what they want to achieve. The actual cost of the final project to each County is based Master Planning, on the individual needs of that County and what they already have done. This will be determined at the conclusion of the scoping meetings.

Commissioner Dixie Thompson emphasized that the plan will retain the uniqueness of each County as well as provide for those cultural differences. The plan will be to meet the needs of the people. In responding to a question from Dean Behling, she indicated that this is a comprehensive plan for the entire County and that land use is just one part of it. She further emphasized that although other Counties have adopted an interim plan, that she wanted to wait until this project rather than hastily adopt an interim plan for the County.

Economic Development Director, Bryant Anderson inquired of Mr. Farrell as to the qualifications of his firm. Mr. Farrell indicated they are an engineering firm. As to the project being considered, they are the prime consultants or project managers. He noted that they have five additional teams of experts in their fields. Their involvement came through their response to a proposal from the Utah Association of Counties. As project managers, they are responsible to the needs of each County. Upon completion of the scoping process they would identify the needs and present to the Counties a budget.

Darrell Leamaster, of the Castle Valley Special Service District noted that they are already proceeding with a similar program identifying community needs and that it should tie in with the proposed project.

Commissioner Dixie Thompson advised those present that the Steering Committee is going before the Community Impact Board for \$1 million for this project. She noted that this would also result in a State plan. They will also solicit private entities throughout the State for additional funding and involvement.

The Commission expressed appreciation for Mr. Farrell, Ms. Boyd, Bill Howell and others being in attendance and making them as well as the public aware of the project.

(2)

#### COMMISSIONERS MINUTES

The minutes of the February 19, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was approved by all members present. Later, item #14 was corrected at the request of County

Attorney, Patricia Geary. Motion to approve that correction was made by Commissioner Dixie Thompson, seconded by Commissioner Clyde Thompson and approved by all members present.

(3)

#### AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #920600 through and including #920716 for payment. Motion was made by Commissioner Dixie Thompson, seconded by Commissioner Clyde Thompson to approve the warrants for payment. Motion was approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
30	Voting booths and ballot boxes - Elections	1,807.65	Approved
31	TV Translator for Ch. 11 on Horn Mt. - Communications	21,240.00	Approved
32	Power line replacement on Horn Mt. - Communications	49,845.00	Approved
33	Portable radio programming computer - Sheriff	1,950.00	Approved
34	Hand-held radio - Sheriff	1,772.00	Approved
35	CPU chassis, memory boards, cable, wiring, installation, training and patch panel - Data Processing	13,700.00	Approved
36	Two dual port terminals - Data Processing	2,500.00	Approved
37	Lineprinter - Treasurer	1,499.00	Approved
38	Printer - Recorder	1,499.00	Approved
39	VCR - Commission	229.00	Approved

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson to approve the requisitions for purchase.

(4)

#### BUSINESS LICENSE APPROVAL

Clerk, Bruce Funk presented to the Commission for consideration the following business license applications:

A) CJ's Shinglers - This is a shingling and roofing business. Wherein, James J. Prettyman has made application for that business to be located at his home in Elmo, Utah. It was noted that Planning and Zoning Technician, Bryant Anderson has approved the same.

B) Sochum Creek Videos - This is a business to sell video tapes. Wherein, Donald R. Hatch has made application for that business to be located three miles North of Cleveland. Planning and Zoning Technician, Bryant Anderson has approved the same.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the business licenses as presented and authorized the Acting Commission Chairman to sign the same. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### DISCUSSION OF ELECTION MATTERS

Clerk, Bruce Funk presented to the Commission maps outlining Legislative House of Representative District #71. He noted that the District takes in the majority of Huntington City and Lawrence to be included with Green River, all of Grand and San Juan Counties. This was just discovered while trying to obtain census block counts. It was noted that he has given copies to both the Republican and Democratic party chairmen. Also, as a point of clarification, the filing date for school board members is the same as for other offices, that being from March 16 to April 15 this year.

(6)

#### APPOINTMENT OF ADVISORY BOARD FOR FIRE DISTRICT

Acting Commission Chairman Clyde Thompson presented the following names to serve on the Advisory Board for the newly created Fire District: Tracy Addley of Orangeville, Byron Rollins of Ferron, Clark Atwood of Cleveland/Elmo, Garth Childs of Huntington, Wayne Maxfield of Castle Dale, Richard Childs of Emery, and Howard Burnett of Green River.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the board member appointments as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

It was noted that the terms of office would be according to the By-Laws of the Fire District which were not available at this time.

(7)

#### BOARD MEMBER APPOINTMENT TO THE EMERY COUNTY COUNCIL ON AGING

Acting Commission Chairman Clyde Thompson presented the name of Tom Burr of Green River, Utah, to fill the position previously held by Harold Halverson. It was requested that Commission Secretary Leslie Bolinder write a letter to Mr. Halverson in appreciation for his past service on the Board. Commissioner Thompson further noted that Mr. Burr has agreed to serve. Whereupon, motion was made by Commissioner Dixie Thompson to approve the appointment of Tom Burr to serve on the Emery County Council on Aging Board. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

#### COMMITTEE APPOINTMENTS TO EVALUATE SCHOOL BOARD BOUNDARY CHANGES

The Commission presented the following names for consideration for the Committee in the redistricting of the School Board boundaries: Dennis Nelson of Ferron, Jolene Petty of Emery, John Jorgensen of Castle Dale, Roger Swenson of Orangeville, Frank Hall of Huntington and Jerel Lofley of Elmo. It was noted that these persons have been contacted and have agreed to serve. Commissioner Dixie Thompson noted that Commission Chairman Mark Justice has selected names from the North end of the County, herself from the Castle Dale/Orangeville area and Commissioner Clyde Thompson from the South end of the County.

It was the consensus of those present that a member needed to be appointed from the Green River area. Whereupon, motion was made by Commissioner Dixie Thompson to approve the names as presented with the recommendation that Mr. John Jorgensen serve as the designated Chairman until the first meeting. At that time the Committee can select a chairperson. He was also directed to solicit a representative from the Green River area. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(9)

#### PROPOSED SALE OF PROPERTIES IN HUNTINGTON AND FERRON



Commissioner Clyde Thompson advised those present that the County has property in Huntington and Ferron. The Ferron property is presently designated as a subdivision, noting that it is a wetland area, not suitable for building and it would be in the best interest of all parties to change this from a designated subdivision to agricultural and advertise both properties for sale to the highest bidder. Whereupon, motion was made by Commissioner Dixie Thompson to approve and recommend the rezoning of the Ferron property to that of agriculture and assign the Attorney's office to make the necessary applications to Ferron City for a change in zoning designation. After proper advertising, the properties to be sold as requested. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

#### COUNTY LIBRARY STUDY COMMITTEE AND MISSION STATEMENT

Commissioner Dixie Thompson presented the following names as committee members on the County wide Library Study Committee: Stella Guymon, Pearl Barton, Sam Singleton, Geraldine Mortensen, Bill Luce, Verda Miller, Marie Guymon, Randy Jensen and Geniel Huntington. She further reviewed for those present the mission statement of the Committee of which is to make a comprehensive study of the School District and Emery County's Library systems. The study committee would then make recommendations to both groups on the following: 1) If the bookmobile should be continued as part of the library system and if not, what adjustments would need to be taken to assure continued quality service. 2) If duplication or absence of certain services exists and methods of correcting these areas. 3) If present resources are being utilized effectively. 4) Any other recommendations that might result in cost savings or more efficiently. Any recommendation, that if implemented, would result in increases of cost do not have the support of either Emery County Commission or Emery School District Board. The Committee would have its final report to the two (2) sponsoring organizations by May 1, 1992.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Library Study Committee members as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She read aloud a letter received by the Commission from Phillip L. Hansen who complimented the Emery County Road Department and its employees. Mr. Hansen was traveling through the County and because of thawing conditions in the road became stuck and stranded. He recognized the kindness and efforts of Kay Jensen and Steve Kemple of the Road Department to assist him. He expressed an appreciation for that.

Commissioner Dixie Thompson further went on to note that employees such as these are a credit to the County. She expressed appreciation to them and others who help.

2. She went on to discuss the Forest range problem. She noted in the far northwest tip of Emery County that the Forest Service is closing down roads and opening up trails. Concern has been expressed to her by livestock users that livestock using this trail would cause overgrazing adjacent to the trails. It could possibly result in the Forest eliminating grazing in those areas. Therefore, she was soliciting input from permittees, noting its impact to Emery County.  
Commissioner's Reports, cont. . . .

3. She is continuing meetings again with Mt. Fuel in efforts to get natural gas service to Cleveland and Elmo.

4. She advised those present of the noted success in the documentation of RS-27 roads. These are road built prior to 1976. The BLM has given administrative determination in that Emery County has RS-27 right-of-way on the road. The road being discussed is the Buck Master.

Commissioner Clyde Thompson:

1. He discussed recent meetings at the John Wesley Powell Museum in Green River. He noted that they are considering unblocking the Crystal Geyser which is some six to seven miles below Green River. It was noted that it is accessible by boat as well as they would be making efforts to improve the roads and parks.

He further reviewed the past activity of the geyser noting that the blockage is down about 20 feet.

(12)

MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Dixie Thompson at 7:26 p.m., seconded by Commissioner Clyde Thompson and approved by all members present.

ComMin3-18-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

March 18, 1992

Those present at the meeting were Commissioners Mark Justice and Clyde Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m. He excused Commissioner Dixie Thompson who was attending a funeral.

The invocation was given by Clerk, Bruce Funk.

(1)

#### COMMISSIONERS MINUTES

The minutes of the March 4, 1992, Commission meeting were reviewed. Motion was made by Commissioner Clyde Thompson and seconded by Commission Chairman Mark Justice to approve the minutes as presented. Motion was approved by all members present.

(2)

#### FOREST SERVICE PROPOSED TRAIL OPENINGS

Mr. Charles Jankiewicz, Price District Ranger, came before the Commission and reviewed with them the proposed Castle Valley Ridge Trail System which is located in the far Northwest portion of Emery County. He indicated that the trail system consisted of 26 miles in all. They are existing roads and trails. The plan is to improve 2-1/4 miles. The completion of the project will take some three to five years to improve all the roads and trails. He noted that it would provide for better disposition of people, as well as provide better recreation. It was anticipated that work this year would be done in the first and second canyon to include signing at the trail heads.

Provided to the Commission were maps of the proposed trail designations. Some areas were for foot and horse only. Others were for ATV, those being existing roads. Areas were also defined for foot, horse and mountain bike. The trail heads were shown at the mouth of Short Canyon and Nuck Woodward Canyon, a drill hole located at the east end of the lone pine tree ridge trail, as well as the third trail head located south of clear creek at the mouth of Snyder Canyon. At the trail heads will be parking and signing as to those permitted activities on the trails. He further noted that Cyprus Mining is interested in participating in improving the trails and therefore, will be working with them on a cooperative basis.

Forest Service, cont. . . .

Commission Chairman Mark Justice advised Mr. Jankiewicz of Commissioner Dixie Thompson's previous concerns over the long-term effect and that effect on permittees and

whether this would bring about eventual closure to livestock grazing. Mr. Jankiewicz responded that he thought it would not.

Commissioner Clyde Thompson reviewed the roads and trails. He noted that this is a good example of multiple use of lands.

Recorder, Ina Lee Magnuson discussed problems of bikers and others leaving gates open and as a result, livestock trespassing. Cattle guards were discussed. Mr. Jankiewicz indicated that future proposals effecting Emery County would be submitted to the Commission by letter and would keep them advised.

Mr. Jankiewicz went on to give his background and qualifications.

The Commission expressed appreciation for Mr. Jankiewicz being in attendance and would further review the maps and proposals submitted.

(3)

#### DIVISION OF WILDLIFE RESOURCES - DISCUSSION OF BIG HORN SHEEP TRANSPLANT

Mr. Miles Moretti of the Division of Wildlife Resources addressed the Commission and discussed the big horn sheep transplant. He noted that the plan approved in 1978 was to introduce big horn sheep into historical habitat. They are now looking along the Green River corridor in the Rattle Snake area and the coal wash coal creek near Green River. The plan was originally to introduce the Desert Big Horn, but because of existing big horn sheep originally introduced by the Ute Tribe, rather than mix, they would introduce only the big horn sheep. The proposal has gone through the Committees of which Duane Collard previously served and presently Dixie Thompson as well as the BLM and permittees. He further noted that they have bought out the sheep permittees and plan to introduce 100 big horn sheep in the area. He noted that there are no other domestic sheep in the area.

In responding to an inquiry of Commissioner Clyde Thompson as to the projected increase in Big Horn Sheep population, Mr. Moretti indicated that they expected an increase of 60 to 70 annually. They expected the herd to grow and they would manage it at approximately 200, noting that they would not want to increase the herd beyond that because of their susceptibility to diseases. He further discussed that three big horn sheep were allowed to be taken annually. Previously because of certain rams qualifying for the one being auctioned, he expected that it would go from the \$22,000 in the past to up to approximately \$50,000 for that one permit. Two others would be issued on a draw.

Big Horn Sheep, cont. . . .

Road Superintendent Rex Funk inquired as to whether construction would be permitted because of critical calving area, this requiring seasonal delays in such things as construction.

Commission Chairman Mark Justice indicated that the Commission does have concerns and looks forward to continued communication from the Division of Wildlife Resources with the Emery County Commission. He expressed appreciation for him being in attendance.

(4)

#### FERRON CITY YOUTH SPORT LEAGUES

Ferron City Council Members Dean Behling and Dennis Worwood, together with Danny Taylor, came before the Commission advising them that the youth in Ferron have no football equipment. They presently have approximately 45 to 50 kids signed up to participate. They have never received funds from the County Recreation in the past three years. Discussed was the \$2,900 in the Emery County Recreation Department under Mr. Dave Thompson's responsibility. The Commission noted that Mr. Thompson has to allocate it to a number of different leagues.

Mr. Taylor questioned whether equipment was being equally distributed. He discussed the needs for proper equipment and the safety. He estimated that they needed approximately \$3,500 and that they could raise \$1,500.

Mr. Behling informed the Commission that the equipment needs to be ordered now and would like a letter of intent from Dave Thompson as to the availability of equipment and/or funds.

Commissioner Clyde Thompson recommended that they work with Mr. Thompson. Commission Chairman Mark Justice noted that he and Mr. Thompson have a budget meeting on March 19 and he would review this matter with Mr. Thompson. Commissioner Justice indicated that any funding to the County leagues is to be equally distributed to provide equipment or funds as needed. They would look into it and consideration needed to be given to the whole league this first year.

The Commission indicated that they would take the request under advisement and see what could be done and would have an answer by the next Commission meeting of April 1, 1992.

(5)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #920767 through and including #920945 for payment.

Auditor's Business, cont. . . .

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
40	Shell for Animal Control/Drug Dog Truck	836.00	Approved
41	CPaRlene Basic Torso - Sheriff	297.50	Approved
42	First Responder ER Pack - Sheriff	3,135.84	Approved
43	Chair - Communications	146.50	Approved
44	Vertical Locking File Cabinet - Animal Control	125.37	Approved
45	Brake Drum Gauge - Road	109.95	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve payment of the warrant/check edit list and approve the requisitions for purchase. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(6)

#### ROAD DEPARTMENT - MOTOR GRADER BID OPENING

Clerk, Bruce Funk informed those present that he has received two bids for a new motor grader for the Road Department. The first bid received and opened at this time was from Wheeler Machinery Company for one new Caterpillar 40G Motor Grader per specifications and accessories as requested by the Emery County Road Department, for a total bid amount of \$123,888 with the option of a push block installed for \$1,450. FOB Salt Lake City. The bid also noted that due to a Caterpillar strike, the all wheel drive machine is not available. They guarantee buy back at the end of 4 years of \$77,700.

The second bid received and opened at this time was from Scott Machinery Company for one John Deere 770BH Motor Grader as specified for the amount of \$107,905 with the option of a new John Deere 772BH Motor Grader for the amount of \$124,788 with delivery 120 days after receipt of order. FOB Castle Dale.

Commission Chairman Mark Justice gave all bids and documentation to Road Superintendent Rex Funk for his review, Mr. Funk will make a recommendation back to the Commission after he has had a chance to look at the features, noting that the County in their request reserved the right to refuse any or all bids.

(7)

#### OIL AND GAS LEASE - DOLAR OIL PROPERTIES

By letter, Mr. D. Scott Hayes submitted to the Commission the Oil and Gas Lease between Emery County and Dolar Oil Properties. The lease comprises of a five-year paid up primary term lease which includes a 1/8 royalty, warranty clause deletion paid at \$9.00 per acre and inclusive of paid-up rentals. It was noted that this has been reviewed by the County Attorney's office and they have approved it as to form. The property being considered is in sections 30 and 31, Township 18 South, Range 8 East, SLM, consists of 4.24 acres. Attached payable to Emery County was a check in the amount of \$38.16.

It was the consensus of the Commission that Commission Chairman Mark Justice sign the same.

(8)

#### AMENDMENT OF THE 1992 BUDGET - RESOLUTION 3-18-92A

Auditor, Karen Truman presented to the Commission Resolution 3-18-92A which amends the 1992 Emery County General Revenue and Expenditure Budgets, as well as all other budgets. She outlined to the Commission the need to make adjustments in the Assessing and Collecting Tax Revenue Budget, State Court Space Reimbursement, Interest Earnings, Service District Insurance and Nursing Home Insurance with the corresponding expenditure adjustments in the following budgets: District/Circuit Court and Non-Departmental. This having been reviewed with the Commission.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 3-18-92A. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(9)

#### SCHOOL BOARD REDISTRICTING COMMITTEE RECOMMENDATIONS

Mr. John Jorgensen, Redistricting Committee Chairman, together with Roger Swenson also of the Redistricting Committee, addressed the Commission. Other parties in attendance at this time in regards to this matter were: School Superintendent, Earnest Weeks, Rue Ware and Carol Ware.

Mr. Jorgensen reviewed with the Commission the recommended redistricting of the School Board boundaries. He noted that the Committee was made up of himself, Dennis Nelson of Ferron, Roger Swenson of Orangeville, Frank Hall of Huntington, Jerel Lofley of Elmo and Ray Lloyd Hatt and his wife of Green River. Mr. Jorgensen pointed out that the 1990 census count for Emery County was 10,332. If divided up between five school districts, that would be 2,066 each, allowing for a 10% variation, for a low of 1,859 and a high of 2,273.

He then reviewed with the Commission the procedure as follows: School District #1 would include Voting Districts Ferron South #2, Ferron North #3 and Clawson #4 for a total of 1,997; School District #2 includes Voting Districts Orangeville #5, Castle Dale

West #6 down Center Street with the exception of those people to the South of Bott Lane for a total of 2,265; School District #3 includes Voting District Castle Dale West #6 South of Bott Lane; Castle Dale East #7; Huntington East #8 along Main Street east and south of the new Representative District #71 for a total of 2,003; School District #4 includes Voting Districts Huntington West #9, Huntington East #8 north end and Elmo #11 for a total of 1,991; School District #5 includes Voting Districts Emery #1, Cleveland #10 and Green River #12 for a total of 2,076.

The Commission expressed appreciation to the Committee for their recommendations and inquired if there were any comments from the public.

School Superintendent Earnest Weeks commended the Committee and raised one concern in the School District boundaries in combining Castle Dale East with Huntington East. He noted that traditionally the Wilberg Wash has been a boundary between these two areas. Such a board member would have both Jr. Highs in their constituents. He asked that consideration be given to combining Cleveland with Huntington and possibly Castle Dale East with Green River in exchange.

Mr. Jorgensen noted that he had considered this previous to the meeting, noting that Castle Dale had no more relationship to Green River than to Huntington.

Commission Chairman Mark Justice suggested that this matter be given further consideration and adoption be made at the April 1, 1992, Commission meeting.

Clerk, Bruce Funk indicated that there are a number of candidates interested in filing, but because of the uncertainty of the boundaries, have been asked to wait until they have been resolved. It is his recommendation that they go with the Committee's proposal. There is an urgency in knowing what those boundaries are. He highly commended the Committee and the manner in which they conducted the process, noting that there were no special interests considered in the boundary determinations.

Commission Chairman Mark Justice asked that this matter be brought before the Committee, the Commission, the Superintendent and interested School Board members for a meeting on Thursday, March 19, at 8:00 p.m. to review and adopt tentative School Board boundaries for ratification at the April 1, 1992, Commission meeting. This was agreeable to all parties. Commission Secretary Leslie Bolinder was requested to contact those Committee members and see if they could be in attendance at that time.

(10)

PENALTY AND INTEREST ABATEMENT - TAXES - SEELY OIL COMPANY

Treasurer, JoAnn Behling reviewed with the Commission a request on behalf of Seely Oil Company. She indicated Seely Oil Company has filed a protest. It appeared that they have alleged that the Tax Commission made a mistake and they were requesting the



Emery County Commission to forgive the penalty and interest. The penalty being \$326.45 and interest in the amount of \$271.69.

After further discussion, motion was made by Commissioner Clyde Thompson to forgive the penalty and interest for Seely Oil Company if in fact the State did make an error and that they were due a reduction. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

Treasurer, JoAnn Behling later appeared before the Commission indicating it appeared that the Tax Commission was at fault. It was the consensus of the Commission that as such their previous motion would allow for the removal of the penalty and interest.

(11)

FIVE MINUTE RECESS

Commission Chairman Mark Justice called for a five minute recess at 11:07 a.m. The meeting reconvened with all members present at 11:13 a.m.

(12)

PERSONNEL ITEMS - RESOLUTIONS 3-18-92B, 3-18-92C AND 3-18-92D

A) Resolution 3-18-92B - Presented to the Commission for their consideration was Resolution 3-18-92B which amends the Emery County Personnel Policy in that temporary appointments of employees is for a period of up to 9 months rather than the previous 6 months.

B) Resolution 3-18-92C - Presented to the Commission for their consideration was Resolution 3-18-92C which amends the Emery County Personnel Policy in the compensation plan and assignment of County employees, positions and pay grade shall be determined by the County Commission. The County Commission shall make the final determination as to the number and types of positions allocated to each department.

It further defines that those employees determined to be exempt from the Fair Labor Standards Act (FLSA) requirement shall be paid a salary. Those employees not exempt from FLSA will be paid an hourly rate.

Personnel Items, cont. . . .

C) Resolution 3-18-92D - presented to the Commission for their consideration was Resolution 3-18-92D which amends the Emery County Personnel Policy in that paragraph C, Section 8 entitled "Compensation" be amended. This Resolution further defines overtime and the payment for such overtime, also the method for calculating the same.

Motion was made by Commissioner Clyde Thompson to approve Resolutions 3-18-92B, 3-18-92C and 3-18-92D as presented. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

The following Personnel Action Forms were presented for Commission consideration:  
D) Antonio Joseph Z. Lemieux-Sheriff Department - Mr. Lemieux has completed POST training and is to be reclassified to a Certified Category II to receive the appropriate pay and merit adjustments.

E) Brook Shane Smith-Sheriff Department - Mr. Smith has completed POST training and is to be reclassified to a Certified Category II to receive the appropriate pay and merit adjustments.

F) LeeAnn Seely-Attorney's Office - Ms. Seely is to be hired in the Attorney's office as a Legal Secretary I at a grade 6.

G) Wayne Maxfield-Road Department - Mr. Maxfield is to be hired as an Operator II at a Grade 10. This is a temporary/seasonal nine month position.

H) Zen Majors-Road - Mr. Majors has completed his six-month probationary period to receive the appropriate step increase.

Motion was made by Commissioner Clyde Thompson to approve the Personnel Action Forms for Antonio Joseph Lemieux, Brook Smith, LeeAnn Seely, Wayne Maxfield and Zen Majors as presented. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(13)

#### COMMISSIONERS REPORTS

Commissioner Clyde Thompson:

1. He reported on the land use planning meeting held recently in Richfield. Besides himself attending, Auditor, Karen Truman and Commissioner Dixie Thompson were also in attendance. He noted that originally Emery County was to be one of the first eight counties to begin the land use planning. However, at the meeting they decided to select three counties based on those counties first in with the

information and the best accumulated information. Therefore, Economic Development/Planning and Zoning Director Bryant Anderson would like to begin the process and to use the UAC resources in developing the land use planning for Emery County. Commissioner Thompson noted that this would include the four southeast counties and the Southeast Association of Governments.

(14)

## REVOLVING LOAN FUND REQUEST

Economic Development Director, Bryant Anderson requested of the Commission \$10,000 to assist them in start-up funding for new businesses. It was noted that previously the Commission had approved and set aside \$15,000 to help Satellite Image Systems, a Communication business. They have not moved into the County at this point. Therefore, it was the motion of Commissioner Clyde Thompson to approve \$10,000 of those funds for transfer to the Economic Development Council's Revolving Loan Fund. These funds are to be taken from Dues and Contributions in the Emery County Budget. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(15)

## HUNTINGTON POLLING PLACES

Clerk, Bruce Funk requested Commission direction as to polling places for Huntington. He noted that in the past, as having been recommended by the Huntington City Council, both Districts be combined and use the Huntington Town Hall. This past election, however, Huntington City divided the voting district polling places. Huntington East #8 used the Town Hall and Huntington West #9 used the Senior Citizen facility. It was his recommendation that the County be somewhat consistent in following what the cities do. After input from those present, it was recommended that Huntington East #8 use the Town Hall and Huntington West #9 use the Senior Citizen facility.

(16)

## MEETING ADJOURNMENT

The meeting was adjourned.

ATTEST

CHAIRMAN

ComMin4-1-92

## MINUTES OF THE REGULAR MEETING

## OF THE BOARD OF EMERY COUNTY COMMISSIONERS

## HELD IN THE EMERY COUNTY COURTHOUSE

April 1, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice.

The invocation was given by Commissioner Dixie Thompson.

(1)

#### COMMISSIONERS MINUTES

The minutes of the March 18, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #920962 through and including #921135 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
46	Two Dual-Port Terminals for Justice Court - Central Purchasing	2,500.00	Approved
47	Two 8-Port Serial Boards and Two Dual Port Terminals for Data Processing - Central Purchasing	2,940.00	Approved
48	High-back Executive Chair - Attorney	418.93	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### JIM JENSEN - SAVAGE BROTHERS - COMMISSION SUPPORT FOR TRUCK TIRE ISSUE

Commission Chairman Mark Justice noted that he has received a request from Jim Jensen, representing Savage Brothers. The request was to solicit Emery County

Commission support on the coal truck tire issue. Provided to the Commission was a sample of the resolution approved by the Carbon County Commission. However, it was Commissioner Justice's recommendation that, 1) the Emery County Commission by letter recognize the important role that trucks play in supplying materials to industry as well as the vital role in transportation and the importance to the local economy; 2) that the Commission go on record in support of UDOT and their investigation to determine the cause of rutting in the highways and how it relates to coal haul trucks. The investigation by UDOT will include such things as the use of dual tires versus single tires.

Whereupon, motion was made by Commissioner Clyde Thompson to authorize Commission Chairman Mark Justice to write a letter on behalf of the Emery County Commission as recommended by Commissioner Justice in that the letter will be reviewed and approved by the full Commission prior to its mailing. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### ROSS HUNTINGTON - CASTLE DALE SWIMMING POOL REQUEST

Castle Dale City Council Member Ross Huntington came before the Commission requesting support for the Castle Dale Swimming Pool. Mr. Huntington recognized that this is not the normal time for the Commission to receive budget requests, but he has only taken this responsibility on since January. He noted that the swimming pool has been a tremendous financial burden to the residents of Castle Dale. He further went on to advise the Commission that it costs approximately \$52,000 annually to operate the pool. They receive approximately \$23,000 back, or a net loss of about \$29,000. He noted that the only support outside of Castle Dale was when the pool was initially opened, Huntington City at that time gave \$500.

Mr. Huntington indicated that they will be doing a couple of things to reduce those costs. One would be to decrease the season. They would not open up in mid-April as in the past, but it was anticipated they would open it up in mid-May. They would also decrease the operating hours as well as increase the prices. This is in hopes of reducing those losses to below \$20,000, and possibly to \$15,000 in the future. He noted that the pool hires employees from throughout the County. In 1988 the traffic flow was 32% used by Castle Dale residents, 28% by Orangeville residents, 18% by Ferron residents, 18% by Huntington residents and others were 4%. He further went on to point out that anticipated revenues for Castle Dale City would be down because of loss of retail merchants in the community.

Castle Dale Swimming Pool, cont. . . .

His request of the Commission was possible consideration from the County for help. He noted that this is a recreation facility. It was the consensus of the Commission that they would like to do what they could to financially support the pool. Whereupon, motion

was made by Commissioner Dixie Thompson to financially support the Swimming Pool to that amount agreed upon by the Commission after a determination is made as to possible available funds. These funds are to be taken from Dues and Contributions in the County Budget. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### GRANT WRITING CONTRACTS

Commissioner Dixie Thompson requested that Colleen Beach review with the Commission the Grant Writing Program that Mrs. Beach and Roseanne Fillmore are involved in. Mrs. Beach indicated that she and Mrs. Fillmore had been sponsored by Emery County to attend a Grant Writing Seminar and that with prior approval and through the RC&D they can write grant applications. Typically, there is an up-front expense reimbursement and payment based on a percentage of the grant amount. She went on to explain what they are doing with the Museum of the San Rafael and they are in the process of finalizing a proposal there. It was noted that they are receiving in-kind services in lieu of the up-front expense monies and that no percent has yet been set on the grant amount. The agreement being considered at this time was through the County and would require Commission approval.

Commissioner Dixie Thompson noted that she has been provided a list of requested books for use locally, noting the difficulty in time and transportation to use those books at the Price RC&D location. She noted that they serve four Counties. Her request was for up to \$1,000 for the books. This price is good until the first of July and probably another \$335 annually. Discussed was whether possible participation by the communities in those costs could be expected.

It was the consensus of the Commission that this be put on the next Commission meeting agenda to allow the Commission sufficient time to check out with the City and return if funds are available.

(6)

#### DONATIONS TO BABE RUTH BASEBALL LEAGUE AND EMERY COUNTY YOUTH FOOTBALL

Commission Chairman Mark Justice reviewed the request from Ferron City and their Youth Football League Directors at the last Commission meeting and their request for financial support. Commissioner Justice indicated that monies are already budgeted in the Recreation Department and it was his proposal that \$2,000 be taken from the Recreation Department to help with the County Youth football. He noted that a meeting will be held with the League officials, Donations to County Youth Sports, cont. . . .

Ferron and other representatives to see that the money is equally distributed. It was also his recommendation that the Babe Ruth Baseball receive \$500 also out of the Recreation budget.

It was the consensus of the Commission that no motion needed to be made in this matter since monies were already in the existing budgets. Wherein, all concurred.

(7)

#### RATIFICATION OF THE SCHOOL BOARD PRECINCT BOUNDARIES

Commission Chairman Mark Justice asked Clerk, Bruce Funk to review the status of the School Board Precinct boundaries. Mr. Funk noted that as a result of the previous Commission meeting it was recommended that the Committee reconvene with the Commission and interested School Board members to consider an alternative to the boundaries proposed at that time. That meeting took place on March 19, 1992. The Committee received additional input. However, after review and reconsideration, it was the Committee's unanimous recommendation back to the Commission that the boundaries remain as originally submitted. Those district boundaries are as follows: School District #1 would include Voting Districts Ferron South #2, Ferron North #3 and Clawson #4 for a total of 1,997; School District #2 includes Voting Districts Orangeville #5, Castle Dale West #6 West of Center Street with the exception of those people to the South of Bott Lane for a total of 2,265; School District #3 includes Voting District Castle Dale West #6 South of Bott Lane, Castle Dale East #7, Huntington East #8 along Main Street east and south of the new Representative District #71 for a total of 2,003; School District #4 includes Voting Districts Huntington West #9, Huntington East #8 north end and Elmo #11 for a total of 1,991; School District #5 includes Voting Districts Emery #1, Cleveland #10 and Green River #12 for a total of 2,076.

Whereupon, motion was made by Commissioner Dixie Thompson to ratify and approve the Committee's recommendation for the School Board Precinct Boundaries as approved by the Recommendation Committee. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

#### COTTONWOOD ELEMENTARY - SUMMER SCHOOL REQUEST

Cottonwood Elementary School Principal Nina Gray addressed the Commission, advising them that last year the Cottonwood Elementary had a trial summer reading program that was extremely successful. The fee was \$30.00 per student per class. She noted that they presently have 91 students who qualify for free or reduced lunch and because they come from lower income families. Typically these students do not have sufficient funds to come to the summer school yet they have the greatest need. Of this amount, she anticipates that about 1/3 will attend. The funds will go to support the eight-week program. Her request of the Commission would be for \$1,000 from the County from Dues and Contributions budget. Her recommendation also was that recreation money would be spent on literacy rather than developing cycle motor skills obtained through summer sports.

Her second request of the Commission was that they contribute \$1,000 towards the purchase of a score board, model 2450, which would greatly benefit the County Recreation program and could be used for basketball, volleyball and wrestling. The total cost of a score board would be \$3,000. It was noted that Cottonwood Elementary itself has no need for a score board for its physical education program and that school budgets cannot be depleted to provide County recreation activities. She noted the heavy use of the building by the Little League Basketball program from Castle Dale, Orangeville and some Ferron teams playing at Cottonwood. The County Recreation program would be enhanced with a scoreboard. Orangeville in the past has hosted some little league and the complaint has been for lack of a scoreboard. She further reviewed the Elementary School's policy of an open door.

Commission Chairman Mark Justice inquired if other schools were holding similar summer school programs and whether children from other communities can attend those programs at Cottonwood. Mrs. Gray indicated that to her knowledge no other schools were doing Summer programs and that the number allowed to participate in them has been limited by the facilities and the staff. Therefore, no solicitation outside the school has been made.

Therefore, it was the unanimous consensus of the Commission that they would be willing to take the request under consideration and determine if any monies are available and further meet with Emery County Recreation Administrator Dave Thompson. They expressed appreciation for Mrs. Gray coming before the Commission with this matter.

(9)

#### PERSONNEL ITEMS

A) Road Department-Temporary/Seasonal Employees - Personnel Director, Pat Snowball reviewed with the Commission a request of the Road Department to hire flaggers on road projects, noting that they are presently using crew members. This would be a helpful addition and an essential part. The period they would be required on an as-needed basis would be from May through September. Mrs. Snowball has further reviewed the matter with Workman's Compensation and they would be covered as soon as they are hired. The flaggers would be hired as temporary/seasonal employees of the County. In her discussions with Job Service, they indicate they have 100 certified flaggers on the list on an as-needed basis. The salary range would be from \$5.00 to \$7.00 per hour, noting that money is in the Road Class B Budget.

B) Library Lawn Care Service - Mrs. Snowball reviewed with the Commission that in the past the janitors have done as an option the yard work. She has been advised that three of the janitors would prefer not to take care of the outside and that money is budgeted into the Library funds. Those three libraries being considered are Orangeville, Emery and Ferron. She discussed the problems of using private contractors in that they would be required to have liability insurance. County Librarian, Jerilyn Mathis suggested



the possibility of using one of the 20 hour per week librarians, if any are interested, in those locations. This would give them approximately an additional six hours or two hours at each library. This would be an additional \$44.60 including mileage. They have to have their own equipment. This would be for a six-month period. Auditor, Karen Truman has recommended they use one of the 20 hour per week custodians.

After further discussion, motion was made by Commissioner Dixie Thompson to accept the personnel matters of flaggers in the road department and a 20-hour librarian to take over the yard work at the Orangeville, Emery and Ferron libraries as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

#### KEITH LAKE - CONCERN OF PRIVATE USE OF HORN MOUNTAIN

Mr. Keith Lake of Castle Dale came before the Commission reading a letter that he had previously sent to the Commission, dated April 30, 1991, addressed to then Commission Chairman Dixie Thompson, with copies to the other Commissioners, Lamar Guymon and Bryant Anderson. Mr. Lake again read the letter aloud to those in attendance, expressing his concerns in the use of the County owned Horn Mountain electronic site and his opposition to have private equipment housed in that facility and the effect on his business. His concern was not for use of the public facility which would benefit the public, but that equipment was installed which would benefit private concerns. He reviewed subsequent meetings to the letter and his understandings.

Commission Chairman Mark Justice noted that Mr. Lake was correct, but subsequent to those meetings, policy has been established disallowing private facilities housed in the electronics site and had notified the parties. However, later the party had come back and indicated that no site was available and asked the Commission to reconsider. Because of the circumstances and economic hardship on the individual, the Commission allowed this one exception without setting a precedence. Commission Chairman Justice, on behalf of the Commission further emphasized that they had no intent of harming any business.

In response to Mr. Lake's noting that he has an electronics site available and that this would put the other party and the County in direct competition with himself. Therefore, Commissioner Justice concurred with the other Commissioners that possibly they needed to review an agreement and they would keep Mr. Lake advised in the progress.

(11)

#### GYPSUM RESOURCE DEVELOPMENT SETTLEMENT

County Attorney, Patricia Geary presented to the Commission for their review a tentative agreement between Gypsum Resource Development and Emery County in settling claims against Nielsen Construction and Johansen and Tuttle Engineering. It having been

agreed upon previously by the Commission that County Attorney, Patricia Geary enter into negotiations in order to arrive at a settlement with all parties. It was noted that previously the Commission was to have released \$60,000 and pro-rated that to the parties. Ms. Geary indicated that in her negotiations it was agreed upon by all parties that \$60,600 from the GRD deposit go to Nielsen Construction and that \$4,400 from the GRD deposit go to Johansen and Tuttle. That the County contribute \$17,000 to Nielsen Construction and \$1,600 to Johansen and Tuttle.

Whereupon, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to agree to the negotiated settlement as discussed with the County contributing \$17,000 to Nielsen Construction and \$1,600 to Johansen and Tuttle. She questioned what account the monies would come from. Motion was approved by all members present.

Whereupon, presented to the Commission was an agreement which contained those amounts as discussed to be signed by all parties. Motion was made by Commissioner Clyde Thompson to accept and approve the settlement agreement. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### COUNTY ATTORNEY POSITION

Commissioner Clyde Thompson made a motion that the County Attorney position open for filing is a full-time position and that the office will have regular office hours. It was the intent of the Commission that no private practice be done through the office or staff. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

#### COUNTY CHECK CASHING POLICY

Auditor, Karen Truman by letter to the Commission requested Commission consideration of discontinuing the cashing of checks for cash in the Court House. She indicated that it has been requested also by the independent auditors and because of recent problems in another County in the State, that the Commission give further consideration to this. Assessor, James Fauver and Treasurer, JoAnn Behling as well as others present, including the Commission, expressed concern over the present lack of policy. Whereupon, motion was made by Commissioner Clyde Thompson that the County discontinue cashing any personal checks for personal use. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

#### BUSINESS LICENSE

Clerk, Bruce Funk presented to the Commission for their consideration the business license application for Kent Petersen of Ferron to operate an engineer consulting

business. This has been reviewed and approved by Zoning Director, Bryant Anderson. Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson to approve the business license application of Kent Petersen as presented. Motion was approved by all members present.

(15)

#### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She reviewed her recent meetings in Las Vegas of the National Association on Soil Districts and how to utilize and access at State and Federal levels. She further noted that she has attended the joint highway meeting in Vernal and of the Division between the Counties and the Leagues of Cities and Towns. She noted that the Counties were out voted in use of the monies for roads in the County. She indicated that these matters would be further discussed at the Road school at the end of April and other upcoming meetings.

Commissioner Clyde Thompson:

1. He encouraged those present when they are in the Green River area to stop at the John Wesley Powell Museum located there and look at the mural. Because of the realism, he recommended it highly.

Commission Chairman Mark Justice:

1. He asked Sheriff, Lamar Guymon to review with the Commission the upcoming purchase of seven vehicles for the Sheriff's Department and where those funds are coming from and the anticipated delivery.

2. Recreation and Fire District - He reviewed the progress in the Emery County Special Fire District and Recreation District. He reviewed that an application for the Fire District is in with the CIB for \$420,000. This represents 2/3 of the purchase price of the fire equipment. The Recreation District has met twice. They have set their number one priority as a recreation facility near the High School in Castle Dale and they are proceeding with the organization there.

(16)

#### MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 7:56 p.m.

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

April 15, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

COMMISSIONERS MINUTES

The minutes of the April 1, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #921142 through and including #921352 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
49	Office Furniture - Nursing Home	3,000.00	Approved
50	Resident Yard/Park - Nursing Home	15,000.00	Approved
51	Fax Machine - Nursing Home	600.00	Approved
52	Fuji 35MM Camera - Commission	130.00	Approved
53	Three GE MVS Radios - Road	1,392.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### FHA LEADERSHIP FINANCIAL ASSISTANCE

The following individuals came before the Commission asking that consideration be given for financial assistance to them for the Future Homemakers of America National Leadership meeting to be held this month in Chicago, Illinois: Stacy Norton, Lannie Nielsen and Harmony Curtis.

Stacy Norton first addressed the Commission and indicated that she placed first in job interviews in the State FHA competition. Lannie Nielsen noted that she had received a first place in illustrative talk. She noted that the Chicago nationals would allow them to compete with other students from across the United States, Puerto Rico and the Virgin Islands. Harmony Curtis noted that she was selected to serve on the 1992-93 State Executive Officers Council as a Peer Educator.

They informed the Commission that their purpose in coming before them at this time was to solicit financial support. It was noted that it would cost each of the individuals approximately \$1,000. Commission Chairman Mark Justice inquired as to how they anticipated raising those funds. They responded in that they were soliciting contributions from local businesses, the School Board is contributing \$200 and fund raisers as individuals and groups.

Commissioner Clyde Thompson noted that there would have to be a determination made as to any monies available in the budget. It was the consensus of the Commission that they would take this request under advisement. The Commission offered congratulations to each of the three winners.

(4)

#### CLIFF ELLIOTT REQUEST TO ADD LUNDY LANE TO COUNTY ROAD ASSISTANCE

Mr. Cliff Elliott addressed the Commission in regards to his request to have Lundy Lane added to the County road system. He presented to the Commission a petition signed by the residents and property owners. He noted that it has been a road for some twenty years. The length of the road is over 2,800 feet. Most of it is fenced. It takes off from State Highway 155 going East and South in the Cleveland area. Presently there are four families living in the area. He noted that the problem is that they are not able to build because they do not have sufficient County road frontage.

Road Superintendent Rex Funk advised the Commission that the first portion of the road to the first residence is passable and from there on it is rough and primitive. Much of it is trail-type. Before it could be acceptable for a County road, there would have to be necessary fence set-backs and realignments. He estimated the cost to the County in using their crews would be some \$60,000 to \$80,000.

Lundy Lane, cont. . . .

Mr. Elliott further indicated that he would be willing to increase the right-of-way in order to achieve sufficient width through his property. The recommendation of Commission Chairman Mark Justice and consensus of the Commission that they take this matter under advisement due to the fact that the property in which the right-of-way exists is up for May Tax Sale and that he, as well as the other Commissioners, make an on-site inspection.

Mr. Elliott left the petition with Commissioner Dixie Thompson.

(5)

#### NINA GRAY - FOLLOW-UP REQUEST FOR SUMMER SCHOOL FUNDS AND SCORE BOARD

Cottonwood Elementary Principal, Nina Gray came before the Commission in a follow-up request for financial assistance in conducting summer school and for a score board to be taken out of recreation funds. This having been presented to the Commission in the April 1, 1992, Commission meeting.

The Commission noted that due to meetings which all had been involved in, they have not had sufficient time to review this matter as a Commission. Therefore, they asked that Mrs. Gray allow them sufficient time to review these matters further. Commissioner Dixie Thompson indicated that this is a pilot program for the Schools. She recommended that the Commission support this type of project provided that funds are available in order to get it off the ground and that future funding could be solicited through other programs. This was the consensus of the Commission with the understanding that they would have to see what funds are available and that they do support Mrs. Gray in her program. The Commission expressed appreciation to Mrs. Gray in being in attendance and indicated that they would get back to her when they are ready to make a decision in regards to the summer school program and a score board.

(6)

#### GRD REQUEST FOR RELEASE OF ROAD BOND

Mr. Jim Ariotti, representing GRD, came before the Commission noting that basically the GRD mine site has been closed down until next winter. His request of the Commission is that they release the \$25,000 road bond in order to keep their doors open. This is needed also as a resource and to pay off creditors. Mr. Ariotti did confirm that GRD was either for sale or investment.

Assessor, James Fauver asked the Commission to stipulate that from those monies, \$8,000 be deducted and used to pay off outstanding property taxes.

Road Superintendent Rex Funk indicated that although the approved trucking route road is in satisfactory condition, there has been unauthorized use of an alternate route and damage has occurred. This is on the Cleveland South Spur.

GRD Request, cont. . . .

This is primarily due to the hauler. He noted that both himself and Mr. Ariotti have advised the hauler to discontinue, but that the hauler has on occasion continued to use that road and caused additional damage.

Commissioner Clyde Thompson noted, and it was confirmed by those present, that GRD is presently in bankruptcy under Chapter 7. Therefore, it was the consensus of the Commission that they need additional time to determine if funds are tied up in the bankruptcy and the need to seek legal advise. Road Superintendent Rex Funk advised the Commission that in order to repair the alternate route, it would take approximately \$7,000. Therefore, the Commission will take this request under advisement.

County Attorney, Patricia Geary asked that the Commission authorize payment of the additional funds approved in the Commission meeting on April 1, 1992, to Nielsen Construction and Johansen and Tuttle Engineering. Of which \$17,000 goes to Nielsen Construction and \$1,600 to Johansen and Tuttle Engineering.

Whereupon, motion was made by Commissioner Clyde Thompson that these funds be taken from the Road Department in accordance with the previously signed agreement. It was agreed upon by the Commission that the Road Department budget would be opened up at a later time if necessary in order to transfer funds back into it. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### JOINT COUNTY ROAD AND SHERIFF FUEL FACILITY

Commission Chairman Mark Justice advised those present that the County Road Department and the Sheriff's Department are presently working together to build joint fuel facilities. One will be located in Castle Dale and one in Green River.

Road Superintendent Rex Funk requested permission of the Commission to proceed with soliciting bids for the Castle Dale and proposal for the Green River and Huntington airport projects.

Motion was made by Commissioner Dixie Thompson to authorize the advertisement for bids for the Castle Dale facility. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

#### PERSONNEL ITEMS

A) Ball Complex Caretaker - Commissioner Clyde Thompson made a motion to hire Roland Daniels as a temporary employee at the Huntington Ball Complex. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### COUNTY ROAD 202 AGREEMENT

The Commission reviewed an agreement presented to them regarding County Road 202 and a gate agreement between property owners there. Those mentioned were Mrs. Lyons, Curt Brasher and Mr. Christiansen. It was pointed out by Road Superintendent Rex Funk that the County only owns the first one-quarter of the road. Mr. Funk reviewed the past history and the problems of the road and the meeting with himself, the Commission and all interested parties. It was noted that tentatively, they had reached an agreement. The agreement basically being the one now before the Commission, noting that they have since revised that agreement.

Commissioner Dixie Thompson requested that the Commission approve and sign the presented agreement. She noted that it would be beneficial to all and that if some parties desire not to sign it, it would become void. She indicated she cannot see the County putting in additional time in the matter. The Commission also noted that it should not be the County's problem. Commissioner Dixie Thompson noted that the Road Department does not have the time to handle this and recommended that the County withdraw until all parties can come to an agreement. Commission Chairman Mark Justice suggested that in the best interest of all parties, due to the amount of time already spent, that the County should proceed.

After further discussion, motion was made by Commissioner Dixie Thompson to approve the Commission signature of the revised agreement as provided by Road Superintendent Rex Funk, noting that Mr. Christiansen has been removed from that agreement, as well as other matters of concern. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

#### RESOLUTION 4-15-92A

Presented to the Commission for their consideration was Resolution 4-15-92A. This Resolution transfers the wetland regulation responsibilities from the Army Corp of Engineers to the United States Soil Conservation Service. It was noted that this is a Resolution from the Utah Association of Counties Convention and the Association is in support of said Resolution.



Whereupon, motion was made by Commissioner Dixie Thompson to support and approve Resolution 4-15-92A. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

RESOLUTION 4-15-92B - AMENDMENTS TO THE ENDANGERED SPECIES ACT

Presented to the Commission for their consideration was Resolution 4-15-92B. This Resolution supports amendments to the Endangered Species Act which is due to be re-authorized by congress in 1992. The Resolution urges Congress to enact amendments to the Endangered Species Act which would give more balance to human, social and economic consequences as well as further clarify the impact of the Act on the use of Federal, State, local and private lands. This Resolution was recommended and approved by the Utah Association of Counties.

Whereupon, motion was made by Commissioner Dixie Thompson to support and approve Resolution 4-15-92B. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

RESOLUTION 4-15-92C - SUPPORTING COUNTY GOVERNMENT AS THE PRINCIPLE AFFECTED INTEREST CONCERNED WITH THE MANAGEMENT AND PLANNING OF FEDERALLY OWNED LANDS

Presented to the Commission for their consideration was Resolution 4-15-92C. This Resolution supports County government as the principle affected interest concerned with the management and planning of federally owned lands. This Resolution was approved and recommended by the Utah Association of Counties.

Whereupon, motion was made by Commissioner Dixie Thompson to adopt Resolution 4-15-92C. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(13)

PROPOSED RESOLUTION AMENDING THE ZONING RESOLUTION OF EMERY COUNTY - ADDING A NEW HIGHWAY/COMMERCIAL

Planning and Zoning Director, Bryant Anderson presented to the Commission a draft proposal of a Resolution to amend the Emery County Planning and Zoning Ordinance. The Resolution adds a new zone, HC-1, which is for a Highway/Commercial to the list of zones approved within the unincorporated portion of Emery County. Said Resolution would set forth the requirements for development within the zone and amend the zone map to show the rezoning of properties in the area near Woodside. Mr. Anderson

advised that he has a party who is interested in developing a road stop, convenience store and other items at the old Woodside location. The Resolution had been forwarded to him by Mr. Rodney Despain who is a consultant for Emery County and this was reviewed in the April 1, 1992, meeting of the Planning and Zoning Commission and that it was recommended by Planning and Zoning.

County Attorney, Patricia Geary advised the Commission that she has not had an opportunity to review the Resolution. She noted that it would need to be set

Resolution to Re-Zone, cont. . . .

for Public Hearing. Therefore, motion was made by Commissioner Clyde Thompson to proceed with the intent of the Resolution and advertise for public hearing upon review and approval of the County Attorney's office. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

#### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She noted that in regards to Highway 31 from Seely Farm to Huntington that the Commission has lobbied the Transportation Committee of which Sam Taylor is the Chairman. She noted that originally it was not going to be funded. As a result of the lobbying efforts, she has been advised that the project has been approved and that Archie Hamilton will be sending bids out this next week.

2. She reviewed with those present problems brought to her attention by Genwal Coal Mine. They are experiencing problems with getting the coal out without delays due to construction in the canyon. She noted that this has required additional trucks and an increased economic burden. She has been advised by Mr. Hamilton that they would do what they could to alleviate the problem.

Commission Chairman Mark Justice:

1. He noted that monies have been received from the CIB for solid waste management plans. They are now ready to put those out for bid in the management of the Emery County landfill.

(15)

#### PUBLIC HEARINGS FOR FIELD FACILITY AND CAPITAL RECREATION FUND

Auditor, Karen Truman inquired of the Commission as to where funds would be coming from for construction of the joint fuel facility. She further inquired whether this should

be included for public hearing with the one on the capital recreation fund set for the next Commission meeting. Motion was made by Commissioner Dixie Thompson to set the public hearing on the capital improvement funds for the joint fuel facility as well as the capital recreation fund. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(16)

#### MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 10:32 a.m.

ComMin5-6-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

May 6, 1992

Those present at the meeting were Commissioners Mark Justice and Clyde Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m. who excused Commissioner Dixie Thompson who is attending government conferences in Reno, Nevada, on official County business.

The invocation was given by Clerk, Bruce Funk.

(1)

#### COMMISSIONERS MINUTES

The minutes of the April 15, 1992, Commission meeting were reviewed. Motion was made by Commissioner Clyde Thompson and seconded by Commission Chairman Mark Justice to approve the minutes as presented. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #921367 through and including #921567 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
54	Panasonic transcriber - Attorney	218.00	Approved
55	Hand-held radio - Attorney	846.00	Approved
56	1986 Peterbilt - Road	29,000.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approved the Warrants for payment and the requisitions for purchase. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(3)

#### ESTABLISHMENT OF A CAPITAL PROJECTS FUND - RESOLUTION 5-6-92A

Commissioner Clyde Thompson informed those present that at the conclusion of the 1991 budget year that certain unappropriated funds were carried over into 1992 which could not be determined in time for inclusion into the 1992 Emery County General Revenue and Expenditure Budget. Therefore, it was the desire of the Commission that at this time to create a capital projects fund. The Resolution went on to point out that it was in accordance with Section 17-36-16(3) of the Utah Code Annotated. The capital projects fund may continue to be funded with transfers from the unappropriated fund balance of Emery County as deemed appropriate by the Emery County governing body. Such transfers shall not at any time reduce the unappropriated fund balance of Emery County General Fund below \$2,000,000. The capital projects fund shall be a separate fund from the General fund and shall be appropriated for the purpose of erecting facilities and other projects not deemed as part of the Emery County operating budget.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 5-6-92A. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(4)

#### TREASURER'S BUSINESS

Emery County Treasurer, JoAnn Behling presented the following tax deferral requests or adjustment to the Commission for their consideration:

1) Steve and Lou Juanna Snow - Property tax extension on commercial property up for the May Tax Sale. Mrs. Behling noted that they have been in and applied. It was her recommendation that the Commission approve the application.

2) Jason and Gloria Behling - JoAnn Behling noted that on a business in Ferron, the Behling's did not realize that the taxes had not been paid in 1987 and 1988. Therefore, they were requesting an extension at this time. It was her recommendation that the Commission approve the agreement.

3) Sheldon and Lorie Taylor - Mrs. Behling noted that Lorie Taylor has signed all the paper work and Sheldon Taylor is expected to sign the documentation on May 7, 1992. It was her recommendation of the Commission that they approve the agreement pending completion and signing by Mr. Taylor of all documentation.

Treasurer's Business, cont. . . .

4) Michael and Cathy Johnson - Mrs. Behling noted that there is an outstanding amount of \$115.29 on penalties and interest which accrued, noting that the properties had been in bankruptcy. Therefore, the penalty and interest for that year need to be waived.

5) Joe and Sheila Christensen - Mrs. Behling noted that the property had been taxed to two parties in the amount of \$18.60. Therefore, it was her request that the amount of \$18.60 be waived for the Christensens.

6) Kenneth Oliver - Mrs. Behling pointed out that this was a double-assessment of \$3.15. It was her request that this amount be applied to another piece of property that the Olivers own.

7) Western Discovery - Mrs. Behling noted that the Tax Commission has issued an order on a value reduction. This is to apply to personal property or equipment owned by the company. It was her recommendation that the Commission approve the compliance with that order.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the extensions as recommended by Treasurer, JoAnn Behling together with those tax adjustments as requested. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(5)  
STATE HISTORY WRITING PROGRAM

Commission Chairman Mark Justice advised those present that the Utah State Historical Society has funds available for a State history writing program. It was his recommendation that the Emery County Historical Society be the agency authorized to solicit those funds and be involved in the writing program. Whereupon, motion was made by Commissioner Clyde Thompson to approve and authorize the Emery County Historical Society as that agency from Emery County to solicit those funds from the State

Historical Society and do the history writing. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(6)

#### COMMISSIONER REPORTS

Commissioner Clyde Thompson:

1. Commissioner Clyde Thompson briefly discussed the Capital Improvement Fund, noting that it is a result of wise spending. He also discussed the Crystal Geysers located near Green River and future access.

Commissioner's Reports, cont. . . .

2. Commissioner Thompson congratulated County Attorney, Patricia Geary and the successful "Guilty" verdict in the recent homicide trial which was prosecuted by her office. Ms. Geary expressed appreciation to the Sheriff's office, Sheriff Lamar Guymon and Bill Downard.

Commission Chairman Mark Justice also expressed appreciation on behalf of Sheriff Lamar Guymon and his staff to the County Attorney and her staff for the professional manner in which they conducted the trial.

Commission Chairman Mark Justice:

1. Commission Chairman Mark Justice indicated that on May 7, 1992, two requests from Emery County will go before the Community Impact Board. One request is for \$470,000 for Ferron City to construct a club house at the Golf Course. The second request to be considered by the CIB is for the Emery County Special Fire District for approximately \$460,000 to purchase fire equipment.

(8)

#### RECESS

Commission Chairman Mark Justice recessed the meeting at 6:42 p.m. until the Public Hearing on the Capital Improvement Recreation Fund and the Capital Projects Fund at 7:00 p.m.

(9)

#### PUBLIC HEARING - CAPITAL IMPROVEMENT RECREATION FUND AND CAPITAL PROJECT FUND

Commissioner Clyde Thompson noted that at the end of 1991 the Commission did not know how much money would be surplus. Now they have determined that through good management there is a surplus of funds. Because of new State and Federal requirements,

fuel facilities need to be built both in Castle Dale and Green River. These are for a combined use of the Road and Sheriff's Departments. The expected cost is approximately \$200,000. The County is in need of a records storage facility and remodeling on the County Complex in Green River.

Commission Chairman Mark Justice pointed out in regards to the Capital Improvement Recreation fund that the purpose of this fund would be to authorize the Commission to spend the remaining balance of \$28,834. Of which, he expected \$10,000 to complete the pavilion at the County complex in Huntington. He noted that in the past monies have been used for sprinklers, fencing and other improvements at that site.

Public Hearing, cont. . . .

Roger Jensen pointed out to the Commission that they have probably been misled. It was their understanding that the \$300,000 was to be spent on swimming pool, handball and other recreation facilities. Commission Chairman Mark Justice noted that money is to be spent for those projects as outlined previously by Commissioner Thompson. The swimming pool, handball complex, etc., was being considered by the Emery County Recreation District. He noted that the Recreation District has had three meetings and they have prioritized that as their number one project a community center near the High School.

Those present questioned the economic value after construction and whether this would be an increased tax to their businesses. Commission Chairman Mark Justice informed those present that they had made a commitment not to tax.

Chris Nielson discussed the Vernal area recreation facility and the benefit to that area. His request of the Commission was that they need to find out if that grant money is available. Commission Chairman Mark Justice noted that the Emery County Recreation District is soliciting funds from those same available sources.

Charlie Oman questioned the location of the Community Recreation Center near the school and on school property. He indicated that it should be on private ground and away from the school. After further discussion, Commission Chairman Mark Justice advised those present that they need to be in attendance at the next Recreation District meeting which is on the fourth Thursday of each month at 7:00 p.m. in the Small Conference Room at the Emery County Courthouse.

There being no other comment, Commissioner Clyde Thompson made a motion to close the public hearing at 7:39 p.m. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(9)

TRANSFER OF \$300,000 TO EMERY COUNTY CAPITAL PROJECTS FUND -  
RESOLUTION 5-6-92B

Commissioner Clyde Thompson made a motion to approve Resolution 5-6-92B which transfers \$300,000 from the unappropriated fund balance of the Emery County General Fund to the Emery County Projects Fund. This is being done without reducing the unappropriated fund balance below \$2,000,000. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(10)

PUBLIC HEARING - TO INCREASE THE 1992 GENERAL FUND BUDGET -  
RESOLUTION 5-6-92C

Commission Chairman Mark Justice opened the meeting to a public hearing at 7:40 p.m. for the purpose of increasing the 1992 Emery County General Revenue and Expenditure Budget. Commissioner Justice noted that this was needed to add in the \$300,000 to the Capital Projects Fund and \$28,834 to the Capital Improvement Recreation Fund.

Public Hearing, cont. . . .

There being no public comment, Commission Chairman Mark Justice closed the public hearing at 7:42 p.m. noting that this is in the public interest of the residents of Emery County.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 5-6-92C which adds \$300,000 to the Capital Projects Fund both in revenue and expenditures and \$28,834 to the Capital Improvement Recreation Fund both in revenue and expenditures to the 1992 Emery County General Revenue and Expenditure Budget as outlined. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(11)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 7:50 p.m.

ComMin5-20-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

May 20, 1992



Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:11 a.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

#### COMMISSIONERS MINUTES

The minutes of the May 6, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commission Chairman Mark Justice to approve the minutes as corrected. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #921568 through and including #921773 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
57	Caterpillar Motor Grader - Road 123,888.00		Approved
58	Two stationery radar guns for UHP - Commission	3,960.00	Approved
59	Grant-writing books - Commission	1,146.95	Approved
60	Castle Dale City to support swimming pool - Commission	5,000.00	
	Approved		

Whereupon, motion was made by Commissioner Clyde Thompson to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### MARIE GUYMON JOHNSON - LIBRARY STUDY COMMITTEE

Marie Guymon Johnson came before the Commission, reading to them her letter dated May 18, 1992. Wherein, she cited the Commission having received a letter from the Library Study Committee summarizing their conclusion. She noted that she, having served on that Committee strongly disagreed with the conclusions drawn by that group pertaining to the Bookmobile service. She noted that the Study Committee did not have any pertinent figures other than Bookmobile costs and so did not take into consideration the total Library Budget figures in making its recommendation.

She had requested of that Committee that they meet again to consider this additional information. However, due to scheduling conflicts such a meeting did not take place. She pointed out to the Commission that the cost of the Bookmobile represents only 2-1/2% of the total County Library Budget. She questioned whether the monies saved by deletion of the Bookmobile would enable local community libraries to make major improvements, particularly in extending the collection available to the public. She expressed concern in that if young people were transported to the community libraries on a regular basis, for example bi-weekly as they now visit the Bookmobile, it would drastically increase the attendance. She surveyed Huntington and Cleveland, in hopes of being representative of other communities. They indicated this would be a 71% increase in attendance. Such increases would necessitate additional staffing. Even if spread over the County library system, this would be a minimum cost of \$30,000 per year.

She pointed out that in looking at the circulation, that the Bookmobile has a circulation cost of 28-1/2 cents per book. The average county-wide circulation figures average out to be \$5.07 per book circulated. She noted that it costs the County 18 times as much for each book checked out of the County libraries as it does for each book checked out of the bookmobile. Therefore, she asked that additional consideration be given by the Commission. She emphasized that they need to look at the overall picture. In her letter, she further expressed appreciation to the Commission for their consideration.

Commission Chairman Mark Justice advised Mrs. Johnson that the Emery County Commission at this time has not made a decision, but would be doing so at some future Commission meeting.

(4)

#### DEPARTMENT OF CORRECTIONS - RENEWAL OF LEASE CONTRACT

Presented to the Commission for their consideration was the lease contract with the Department of Corrections for use of space in the Emery County Courthouse by Adult Probation and Parole. This is for 110 square feet at \$7.00 per square foot. County Attorney, Patricia Geary has reviewed the documentation and finds it adequate except for the required signature of the County Attorney be changed from that of Scott Johansen to herself.

The Commission inquired of the County Clerk as to how the agreement came about and the amounts. Clerk, Bruce Funk noted that this was based on the cost per foot paid by the

Courts for other court-related facilities in the Courthouse. Prior to such an agreement the County was not receiving any reimbursement. This was begun at the time of the consolidation into one courtroom.

Whereupon, motion was made by Commissioner Clyde Thompson to authorize the Commission to approve the agreement authorizing the required signatures. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

#### WILDLIFE POPULATION NUMBERS - RESOLUTION 5-20-92A

Commissioner Dixie Thompson read to the Commission and those present the proposed Resolution 5-20-92A. Wherein, it was resolved that the Emery County Commission immediately request that the federal land management agencies and several states bring wildlife population into compliance with existing State Wildlife and Fisheries Comprehensive plans and Resource Management plans. She noted that in particular the antelope, elk and buffalo populations are significantly out of compliance from the bridging plans of the State and Federal agencies. It would be further resolved that the Emery County Commission seek to hold wildlife numbers at those levels for a period of at least five years. During which time extensive resource monitoring would occur to establish the impacts of those population levels on Federal Land resources, as well as private property and business interests.

Whereupon, motion was made by Commissioner Dixie Thompson to approve and adopt Resolution 5-20-92A, the Wildlife Population Numbers as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

#### ANIMAL DAMAGE CONTROL RESOLUTION 5-20-92B

Commissioner Dixie Thompson read to the Commission proposed Resolution 5-20-92B. The Resolution is to establish animal damage control. She noted that there is an ongoing threat from predators and even transplanted predators and the impact it would have on the livelihood of citizens of Emery County. Through such a Resolution, the Commissioners of Emery County resolve that the citizens, residents and livestock owners with the County of Emery shall have authority to protect their interests in livestock on public lands, grazing lands and private property by controlling predators as they deem necessary. The resolution further described those methods deemed reasonable in the control of predators and that no entity shall have the right within the County of Emery to transport predators for the purpose of relocation or any other purpose.

Whereupon, motion was made by Commissioner Dixie Thompson to approve and adopt Resolution 5-20-92B, a Resolution to Establish Animal Damage Control as presented.

Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(7)

#### EMERY WATER CONSERVANCY DISTRICT - BOARD REAPPOINTMENTS

Mr. Eugene Johansen, Chairman of the Emery County Water Conservancy District, by letter dated May 18, 1992, requested the Commission to consider reappointing two board members whose terms expired in April 1992. It was his request that Hal Guymon of Huntington and Tracy Behling of Ferron be reappointed to serve another four-year term on the Board of Directors.

Whereupon, motion was made by Commissioner Clyde Thompson to reappoint Hal Guymon and Tracy Behling to the Board of Directors of the Emery Water Conservancy District as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### HUNTINGTON AIRPORT - CLOSING - COSTS OF RENOVATION

Commissioner Dixie Thompson noted that she has been trying to get in touch with Ron Theobald who had made an inspection of the Huntington Airport. In Mr. Theobald's letter dated April 29, 1992, he found the runways and parking not safe for public use. Therefore, he has basically closed the airfield.

Road Superintendent Rex Funk, by memorandum dated May 2, 1992, to Mr. Theobald, indicated he has inquired of Johansen and Tuttle Engineering estimates for the cost of repair. In further discussions with Mr. Theobald, the airfield being within 20 miles of Price would basically eliminate it for State funding. Johansen and Tuttle has estimated a repair cost of \$81,000, which does not include engineering fees. Mr. Funk, as well as Commissioner Dixie Thompson questioned as to whether this would be sufficient for the repairs which would only last for one to two years. Mr. Funk went on to point out that the sub-surface is not good enough. He suggested possibly a more stable place in the County needed to be considered and that UP&L has offered property near the Hunter Plant. At some future time, the facility could receive State funding.

Commissioner Dixie Thompson pointed out that the beckon light has been turned off and that there existed a high liability for Emery County.

Commission Chairman Mark Justice inquired of Mr. Funk as to the traffic flow of UP&L executives going to the Hunter Plant compared to those going to the Huntington Canyon Plant. Mr. Funk indicated he did not know what those figures were. Presently all flights are being referred to the Price Airport. Commissioner Justice further pointed out that State monies could be available for a new location or for renovations of the existing

airfield. As to the cost of a new airport facility, Mr. Funk estimated that this would be approximately \$1.5 million.

Mr. Theobald had emphasized to Mr. Funk that another factor in determining any State funding would be the low usage at the Huntington Airport. Sheriff, Lamar Guymon pointed out that since the manager has moved to Price, that he has taken much of the business there.

Commissioner Justice pointed out that it seemed much more feasible to spend \$81,000 in making improvements at the present facility than possibly upwards of \$2 million for construction of a new facility. Mr. Funk again emphasized that such improvements would only be what is termed a spot repair or patch repair.

Commissioner Dixie Thompson further noted that the mobile home at the present airfield needed to be removed. Those determining factors that stand out are the costs of making the improvements. There are no monies available this year, the close proximity to Price, the short runways and that a location further South would possibly be given more consideration by the State. The present location is land-locked.

Commissioner Clyde Thompson pointed out that a location with a solid base could prove to be much cheaper.

(9)

#### WITHDRAWAL FROM THE UTAH LOCAL GOVERNMENTS TRUST - LITIGATION COMMITMENT

The Commission informed those present that the Utah Local Governments Trust has billed Emery County as well as other counties who dropped their liability coverage from the Utah Local Governments Trust in favor of joining the UAC Mutual Insurance. In such leaving, there was a fee assessed. This is approximately \$45,000 assessed to Emery County to leave the trust.

Commissioner Dixie Thompson noted that Garfield County is leading the effort, along with Brent Gardner of the Utah Association of Counties to overturn the contingency fees assessed to those counties. It was indicated that the amount of approximately \$1,000 is requested from each of those Counties wishing to support legal action, noting that UAC Administrator Brent Gardner feels it will be turned over.

Commissioner Dixie Thompson noted that the contingency fee was due by June 1. There is a meeting taking place May 21 in the Utah County Administrative Building in Provo at 5:00 p.m. to consider further action.

It was suggested by Commissioner Clyde Thompson that the County go ahead and pay their share of legal costs to contest the matter. This was also concurred by County Attorney, Patricia Geary.

Whereupon, motion was made by Commissioner Clyde Thompson to authorize Emery County's share to assist the UAC in pursuing legal efforts in regards to its ULGT contingency fee assessed to the counties. Also, that it be taken out of the County Attorney's Special Council Budget. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### REPORT ON REVOLVING LOAN FUND

Economic Development Director, Bryant Anderson reported to the Commission on the Revolving Loan Fund. He noted that they have helped sixteen businesses. He noted that under the GAP type financing that a borrower seeks funds from the Revolving Loan Fund Board to combine with his own funds in order to better qualify him in obtaining the balance of funds from a bank. He further went on to point out that many of the revolving loan fund loans are for under \$10,000. They are for a short period of time. He estimated that it has resulted in the creation of 40 jobs and approximately 33 jobs being saved as a result of additional funding.

He further went on to point out that they are applying for \$100,000 from the Farm Home Administration. He noted that the Revolving Loan Fund has approximately \$94,000 on loan, \$20,000 in the account and with the new \$100,000 this would leave them approximately \$114,000 in the fund. This would be the largest fund in the State.

Commissioner Clyde Thompson inquired of the delinquency rate. Mr. Anderson responded that there are three or four who are quite delinquent. The delinquency amount would be approximately \$6,300. He further went on to briefly discuss the reasons for delinquency and that the revolving fund committee would consider further action if needed.

Commissioner Dixie Thompson expressed concern in that it is using tax payers money to subsidize and finance businesses. She expressed concern over the process of determining those parties to loan money to, when it appears the banks were not willing to do so. She further went on to read a Commission action in the March 18, 1992, Commission meeting wherein the Commission at that time in her absence had placed \$10,000 in the Revolving Loan Fund. She further pointed out that those funds were not originally budgeted in the Dues and Contributions. Therefore, it was her motion to bring back those monies from the revolving loan fund and put them back into the Dues and Contributions Budget. She noted that at present this has greatly depleted that budget.

Commission Chairman Mark Justice noted that his request in having Mr. Anderson here this day was to have him report on the possibility of soliciting the \$100,000 which would not be tax payers money and it is monies we cannot get unless there is someone to loan it to.

After further discussion, it was the request of Commissioner Dixie Thompson that the Commission consider her motion. Whereupon, Commission Chairman Mark Justice noted that it not being an official item on the agenda. Therefore, any action at this time would be improper and that those monies previously transferred to the Revolving Loan Fund could not be withdrawn.

Therefore, Commission Chairman Mark Justice did not consider the motion at this time. No action was taken.

(11)

#### CARBON-EMERY DRUG TASK FORCE - TERMINATION OF INTERLOCAL AGREEMENT

Sheriff, Lamar Guymon reviewed the previous Carbon-Emery Drug Task Force, noting that it consisted of the State, Emery County, Price City, Wellington as well as all other communities in Carbon County. They each allocated one vote, indicating that Emery County in its entirety only had one vote. Therefore, it was their agreement to terminate that interlocal agreement. Also discussed was the new proposed Interlocal Agreement with the Utah Division of Investigation and Narcotics with Price City, Carbon County and Emery County.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the termination of the previous Interlocal Agreement done in 1991 and enter into a new Interlocal Agreement to follow. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### CARBON-EMERY DRUG TASK FORCE - INTERLOCAL AGREEMENT

Sheriff, Lamar Guymon presented to the Commission the Interlocal Agreement creating the Carbon-Emery Drug Task Force to be entered into by the State of Utah through the Utah Division of Investigations/Narcotics; Price City, Carbon County and Emery County. It was deemed that this is in the best interest of the citizens of the jurisdictions to provide economical effective investigation and prosecution of sales, possession, production and manufacture of controlled substances on a regional basis and in a cooperative arrangement utilizing specially trained personnel, unavailable to any of the parties individually.

Whereupon, motion was made by Commissioner Clyde Thompson to approve and enter into the Interlocal Agreement as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

E-911 AGREEMENT BETWEEN EMERY COUNTY AND EMERY COUNTY FARMERS UNION TELEPHONE ASSOCIATION AND AGREEMENT TO LICENSE

Presented to the Commission for their consideration was the agreement between Emery County and Emery County Farmers Union Telephone Association which would facilitate the establishment of an emergency 911 telephone service, including the establishment of a public safety answering point (PSAP). Wherein, the County will act as the sponsoring governmental agency in providing the Emergency Telephone Service including the assessing and collecting the statutory surcharge to pay for said services. It went on to point out that the County and the Association shall each be responsible to pay 1/2 of the total cost of purchasing the data base necessary to establish the E-911 system and outlines those projected costs. It further defines training of the personnel to operate the PSAP and its equipment as well as maintenance.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the agreement between Emery County and the Emery County Farmers Union Telephone Association as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Also presented to the Commission was the Agreement to license Emergency Reporting Subscriber Information. Wherein, U.S. West Communications will provide the initial data base information and updates as outlined in the agreement. This agreement being between Emery County, U.S. West Communications and the Emery County Farmers Union Telephone Association.

Whereupon, motion was made by Commissioner Clyde Thompson to approve and authorize the signing of the Agreement to license Emergency Reporting Subscriber Information for E-911. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

COUNTY TO JOIN STATE FUEL SYSTEM

Commissioner Dixie Thompson informed those present that the State is putting together a joint fuel system. The State pointing out that the clean air guidelines are going to become much more stringent. She indicated that Road Superintendent Rex Funk together with Sheriff, Lamar Guymon have attended meetings in regards to a State Fuel System. Sheriff Guymon indicated that this would be of great benefit in the Green River area. Road Superintendent Rex Funk indicated that he had no great concerns, but would like the option that sometime the County, should they so desire, could do their own fuel facility.

Whereupon, motion was made by Commissioner Dixie Thompson to go ahead and join in the State Fuel System which provides for a credit card system with the County retaining at some future day the option to construct their own facility if it is deemed more practical.



Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(15)

#### INDIGENT BURIAL

This being on the agenda to be discussed by Greg Fausett of Fausett Mortuary, but was unable to be in attendance. Clerk, Bruce Funk reviewed with the Commission the ongoing need to establish a policy in regards to indigent burial, the establishment of costs and whether the County would have an indigent burial cemetery. Possibly, consideration needed to be given by the Commission to approach the communities in that they set aside space for indigent burial. He noted that this adds an increased burden to the County in that they are required to purchase from the communities the burial plot, the cost for opening and closing the grave, as well as vaults. It was suggested that this item be discussed in the next Council of Governments meeting set for June 17 and that Clerk, Bruce Funk also be in attendance to discuss this with the cities.

County Attorney, Patricia Geary noted that possibly those guidelines used in determining qualifications for indigent medical, which were originally drafted by the Clerk's office, be adapted and used for consideration in those applying for indigent burial.

(16)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel Requisitions:

A) Four Temporary Weed & Mosquito Workers - Requested was the hire of four temporary/seasonal workers in the Weed & Mosquito Department. These are to begin approximately the first week in June.

B) Temporary Operator in the Road Department - Requested was the hire of a temporary Operator in the Road Department for a five month period.

Motion was made by Commissioner Dixie Thompson to approve the Personnel Requisitions as presented and authorized Mrs. Snowball to begin the recruitment process. Motion was seconded by Commissioner Clyde Thompson. Commission Chairman Mark Justice voted nay. Motion passed.

(17)

#### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She expressed concern over the livestock permittees grazing on BLM property in the Price River area. She noted that she is not in agreement with the BLM study and resultant reduction. Therefore, Utah State University has been requested to do a study in that area.

Commissioners Reports, cont. . . .

2. She reviewed the parts of the meeting coming up on June 2 in Provo to make plans in regards to predator control.

3. She further discussed several resolutions that took place in the WIR Conference in California which she attended. She noted that they are most helpful to Emery County. Amongst those are in regards to PILT and that a date will be set to call congressmen.

Commission Chairman Mark Justice:

1. He noted that the UDOT Transportation Committee will have a meeting May 22 at 9:00 a.m. to render a decision on the single tire issue. He discussed what the possible outcome would be.

2. He pointed out that the Fire District received a \$470,000 grant from the CIB to buy the eight fire trucks for the County.

(18)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 11:02 a.m.

ComMin6-3-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 3, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:04 p.m.

The invocation was given by Clerk, Bruce Funk.

(1)

#### PUBLIC HEARING - HC-1 COMMERCIAL HIGHWAY ZONE

Commission Chairman Mark Justice at this time opened the public hearing to receive public comments in regards to establishing a new zone entitled HC-1, a Highway Commercial Zone. He then asked Planning and Zoning Administrator, Bryant Anderson to review the matter.

Mr. Anderson noted that he had an inquiry of an individual who owns the property at Woodside who would like to put in an all-service rest stop which would include camping, truck stop, etc. He noted that it has been reviewed by the Planning and Zoning Board and the party is ready to proceed. Therefore, he provided to the Commission a proposed Resolution outlining the requirements set forth for such a zone.

Commission Chairman Mark Justice inquired if there were any comments from those in attendance.

In responding to Commissioner Dixie Thompson's inquiry as to the time table, Mr. Anderson pointed out that the owner is waiting for approval of the Commission to establish the new highway zone. From then on, the owner would meet further with the Planning and Zoning Commission and fulfill the obligations contained in the Resolution. Whereas, Planning and Zoning will approve the project, whether in its entirety or smaller portions as allowed. Mr. Anderson further confirmed that this would allow for other facilities as described in the Resolution to be constructed along other highways in the County.

There being no other public comment, Commission Chairman Mark Justice closed the public hearing at 6:14 p.m. He thanked those parties for being in attendance. (Later in the meeting, the property owner addressed the Commission and gave to them a proposed plan for the development of the site for their review.)

(2)

#### BID OPENING - SOLID WASTE MANAGEMENT PLAN FOR EMERY COUNTY

Clerk, Bruce Funk advised the Commission that the Clerk's office had received two bids for a Solid Waste Management Plan. The bids received are as follows: Beehive Enterprises, Panguitch, Utah, submitted a bid to develop Emery County's Solid Waste Management Plan for the sum of \$10,480; the other was from Tahoma Technical Writing and Engineering Service, Cedar City, Utah, who proposed to prepare the Emery County Solid Waste Management Plan for a lump sum fee of \$7,800.

There being no other bids, Commission Chairman Mark Justice recognized Tahoma as the apparent low bidder. However, a review of the documents would be made before awarding any contract.

(3)  
COMMISSIONERS MINUTES

The minutes of the May 20, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(4)  
Emery County Auditor, Karen Truman presented Warrant/Check Edit List #921774 through and including #921956 for payment.

Req. #	Item and Description	Amount	Action
61	Seven vehicles - Sheriff	113,138.00	Approved
62	Judge's robe - Justice Court	140.00	Approved
63	Judge's robe - Justice Court	140.00	Approved
64	Mobile Radios - Sheriff	2,914.00	Approved
65	Light Bars, Sirens, Speakers - Sheriff	2,800.00	Approved
66	Two used jacks - Road	500.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the warrants for payment and requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)  
USU EXTENSION - SATELLITE DOWN-LINK PROGRAMS

Extension Agent, Elaine Hatch introduced Dr. Gerald R. Olsen of the Utah State University, noting that he is the associate director of Extension Services and former Emery County Extension Agent.

Dr. Olsen expressed appreciation to the Commission for their support of the Extension. He noted that there is a great interest because of technological advances to provide

additional education via satellite to the residents of Emery County. He discussed the uplink, noting that they own part of a satellite from which they can receive and broadcast to anywhere in the nation. He noted that there are 32 land branch share programs. They could use the strengths of many large university programs and have them downlinked and accessible to each County in the State. He noted that the equipment being provided would be a 27 inch television monitor, a VCR to record and rebroadcast and the availability of conference phone calling. His purpose in coming before the Commission would be to solicit support for such equipment and programs. He noted that they would need to be placed in a room. He further reviewed funding that they have received. He noted that presently they have 13 units installed or being installed in Counties in Utah with four other Counties committed and hopefully Emery County as well. He advised that the total cost for the equipment on bid would be \$7,500, with the additional cost of a fence around the satellite receiving dish. He further advised the Commission that the Extension Service at the Utah State University is prepared to pick up all except \$2,000. He would like a confirmation from the County no later than two weeks.

Whereupon, after further discussion, motion was made by Commissioner Dixie Thompson to support and participate in the satellite downlink facilities as discussed by Mr. Olsen pending determination of availability of funds. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

#### REPORT OF THE LIBRARY TASK FORCE - DISCONTINUANCE OF THE BOOKMOBILE

Verda Miller addressed the Commission on behalf of the Library Task Force. She noted that this board was made up of members of the County Library Board, members of the school district and three other members from the public approved both by the Commission and the school board. It was their purpose to review all the libraries in the County and make a determination of how they could best be utilized and whether the bookmobile service would be continued in the County. She went on to note that they have visited all the schools as well as the bookmobile at each of the schools. It was their recommendation that the libraries be better utilized and that the bookmobile be discontinued. The task force felt that with better cooperation the County facilities could be better utilized. It was noted that the bookmobile has some duplication of materials, limited resources and there are no audio-visual facilities available. They

Library Task Force Report, cont. . . .

further recognize that transportation from the schools to the County facilities could present problems in Castle Dale and Huntington. It was further recommended that the savings realized from the discontinuance on the bookmobile be applied to technical networking within the County libraries.

Commission Chairman Mark Justice in reviewing the original intent and purpose of the committee expressed appreciation for the efforts of the committee in making their

recommendation. He further inquired if there were any further comments from those in attendance.

Sylvia Nelson addressed the Commission noting that she has been a representative of the governor's committee on libraries and that she was in agreement with the library board's recommendation in that the bookmobile be discontinued for at least two years and possibly three to provide the funds necessary to do the networking. She referenced what had been done in Davis County, noting that bookmobile services could be reconsidered at a later time.

Commissioner Clyde Thompson inquired if the transportation problem in Castle Dale and Huntington had been resolved by the library board and that any approval to discontinue the bookmobile would be contingent upon that. Mrs. Miller indicated that the schools are using the library facilities except Castle Dale which does have a transportation problem and that a flag person would need to be installed for the Huntington library. However, she did not feel that was part of the committee's responsibility.

Whereupon, Commission Chairman Mark Justice recommended that the Commission accept the report and implement the recommendations. Motion was made by Commissioner Dixie Thompson to accept the recommendations of the library task force and cancel the bookmobile services. Commissioner Clyde Thompson seconded the motion based upon completion of the contingencies in the report. Motion was approved by all members present.

(7)

#### APPROVAL OF ZONING RESOLUTION ESTABLISHING A HIGHWAY ZONE HC-1 - RESOLUTION 6-3-92

Motion was made by Commissioner Dixie Thompson to approve Resolution 6-3-92. The Resolution amends the Zoning Regulations of Emery County, adding a new zone HC-1, a Highway/Commercial Zone to the list of zones permitted within the unincorporated portions of Emery County, setting forth the requirements for development within said zones and amending the zone map to show the rezoning of certain territory to the HC-1, Highway/Commercial Zone. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

#### HUNTINGTON AIRPORT - EMERGENCY IMPROVEMENTS

Commissioner Dixie Thompson reviewed meetings the Commission had with Mr. Ron Theobald, the Aeronautical Program Supervisor for the State. This meeting took place on June 1, 1992. Also in attendance were Road Superintendent Rex Funk and Howard Tuttle of Johansen & Tuttle Engineering. Their inquiry of Mr. Theobald was that if they did sufficient repairs, could the airport be re-opened. Mr. Theobald concurred that the State would re-open the airport.

Howard Tuttle continued in that agreed was the need to discontinue the use of one of the alternate runways due to the extensive cost to renovate it. He indicated that if the County was to seal the cracks and apply a chip seal to the remaining runways that the estimated cost would be approximately \$80,000. It was not his recommendation. He further noted that to restructure the runways would cost between \$400,000 and \$500,000. It was his recommendation that the County repair the potholes and ruttings after which 1-1/2" of hot plant mix asphalt seal coat would be applied to the entire runway. He indicated that it was hopeful this would last three to five years. The estimated cost was approximately \$133,000 which did include engineering and other costs.

Mr. Tuttle further reviewed with the Commission the time frame for the bidding process. He noted that it takes three to four weeks for proper advertising and receipt of bids and approximately one month before contractors can be on the site. He asked that in light of the situation that the Commission consider declaring it an emergency. Therefore, they could solicit bids immediately from local contractors.

Whereupon, motion was made by Commissioner Dixie Thompson to declare the need for repair on the runways at the Huntington Airport on an emergency status and authorize the engineering firm of Johansen and Tuttle to begin the immediate solicitation of bids. This would be pending determination of the legality of the declaration and also contingent upon the availability of funds. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(9)

#### DISCUSSION OF RADAR GUNS FOR THE UTAH HIGHWAY PATROL

This matter having been placed on the agenda, Commission Chairman Mark Justice noted that the radar guns have been received and given to the Utah Highway Patrol. He noted that their use is for the benefit of Emery County. It was confirmed that they have had the Emery County Fixed Asset labels attached prior to disposition.

(10)

#### JUSTICE COURT PRECINCT BOUNDARIES

Commission Chairman Mark Justice reviewed concerns brought to him by Emery County Justice Court Judge Stan Truman in that Emery County was in possible violation by having one precinct and two judges. Wherein, it should be two precincts with one judge each. Mr. Truman noted that two months ago he was contacted by the Administrative Office of the Courts. Wherein, he was advised of the need to establish one judge per precinct and that the County may be in violation. Mr. Truman indicated he and Judge Burns of Green River have met and discussed this matter with Sheriff, Lamar Guymon and others and have come to agreement as to boundaries. He again emphasized that it

was the opinion of the AOC that Emery County was in violation of the intent of the Justice Court Act of 1992.

Whereupon, Commission Chairman Mark Justice advised those present that they will further review and reconsider this at the next Commission meeting on June 17. He inquired of County Attorney, Patricia Geary whether a Public Hearing was necessary. She indicated it was not necessary, but the taking of public comment could be at the discretion of the Commission.

After further discussion, it was the consensus of the Commission that this would be put on the agenda for June 17 as a regular agenda item.

(11)

#### REGISTRATION AGENTS AND JUDGES OF ELECTION

Clerk, Bruce Funk presented to the Commission for their consideration a list of Registration Agents for the year 1992 and 1993. They are as follows:

- # 1 - Emery Town - Dorothy Pulley
- # 2 - Ferron South - Kathy Singleton
- # 3 - Ferron North - Dana Behling
- # 4 - Clawson - Joan Anderson
- # 5 - Orangeville - Carolyn Moore
- # 6 - Castle Dale West - Colleen P. Bott
- # 7 - Castle Dale East - Pamela Brereton
- # 8 - Huntington East - Uneta Grange
- # 9 - Huntington West - JoAnn Shannon
- #10 - Cleveland - Annette Wells
- #11 - Elmo - Lucille Willson
- #12 - Green River - Sandra Silliman

Also presented were the Judges of Election for 1992, noting that for the Primary election, a reduced number would be used. Also, there are some vacancies in the Castle Dale East voting district and the Green River voting district in which the Clerk's office will continue to pursue that. He further advised the Commission that the application requires a commitment on the individuals to attend a training meeting. Also, Registration Agents are paid Judges of

Election, cont. . . .

\$20 per day as allowed by the Utah Code and \$10 per day for the use of their homes. Judges of Election are paid \$50 per election. The names are as follows:

#1 - EMERY

Donald Mangum      Donna Homer  
Merlin Christiansen      Lanora Johnson



Jane Manchester      Marian Mangum  
Margaret Mangum (alternate) Betty Bunderson (alternate)  
Mary Henningson (alternate)

#2 - FERRON SOUTH

Lucinda B. Wild      Grace Behling  
Alice Y. Conover      Sam Singleton  
Karrie Lee Behling      Evelyn Huntsman  
Betty Luce (alternate) Paul Quayle (alternate)

#3 - FERRON NORTH

Bertha Blackburn      Jacqueline Radcliff  
Conna Behling      Beverly Aiken  
Paula Lucas      Laurie Pitchforth  
Jacki Behling (alternate)      Norma Fox (alternate)  
Diane Barney (alternate)

#4 - CLAWSON

Ted Ann Funk Judith Justice  
Carolyn Seely

#5 - ORANGEVILLE

Jean L. Scovill Ruth Stilson  
Linda Miller      Sandra Oman  
Dawnette Tuttle      Joyce Staley  
Mozell VanBuren (alternate) Jennifer Fauver (alternate)

#6 - CASTLE DALE WEST

LeeAnn Snow Zora Peacock  
Sandra Fausett M. Elaine Beard  
Elaine Wilberg      Charlotte Colby  
Suzanne Jones (alternate)      Marianne Judi (alternate)

#7- CASTLE DALE EAST

Darlene Thompson      Eileen Lofthouse  
Marianne Day Trina Branson  
Kathleen Clements (alternate)

#8 - HUNTINGTON EAST

FloAnn Wilson      Velma Gardner  
LuRene Swinburne      Debbie Smith  
Francy Handley      Callie Frickey  
Thora Ann Fillmore (alternate)

#9 - HUNTINGTON WEST

JoAnn Shannon      Lesa Miller  
Loyette Myerhoff      Lori McElprang  
Joyce Howard Ione Pruitt

#10 - CLEVELAND

Darlene Erni      Vernice Wells  
Shawna Minchey      Clarice Sandstrom  
Elva Wayne      Lorraine Jensen  
Catherine Casutt (alternate)

#11 - ELMO

Venice Golden      Georgene Hansen  
Kathy Jensen      Sally Staker Atwood  
Bertha Jones      Shirley Coyne  
Lucille Wilson (alternate)      Maryla Adams (alternate)

#12 - GREEN RIVER

Lanora (Chris) Richards      Allene Spadafora  
Rea Dawn Rowley      Shirley Ramsay  
Dora Deane Jewkes

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Registration Agents and Judges of Election as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

SAN RAFAEL RESOURCE DEVELOPMENT GRANT PROPOSAL - LIBRARY  
LANDSCAPING PROJECT

Rose Ann Fillmore discussed the grant writing contract before the Commission for consideration. Wherein, Grant monies would be applied for landscaping on the Cleveland and Elmo Libraries. The Grant application would be submitted to the Bureau of Reclamation requesting approximately \$10,000. She and Colleen Beach, who write the Grants, proposed \$50 up-front and 5% of all monies received.

Motion was made by Commissioner Dixie Thompson to approve the Grant writing contract. Motion was seconded by Commissioner Clyde Thompson that this be done with the stipulation that this first be reviewed with Mark Walsh of the Utah Association of Counties in their meeting on Monday, June 8, in order to see that such funding does not affect the receipt of PILT monies anticipated in the County. Based upon that stipulation, motion was approved by all members present.

Commissioner Dixie Thompson indicated that Rose Ann Fillmore and Colleen Beach will begin writing a Grant application for the computer system for the libraries.

(14)

#### EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT BOARD AND POTENTIAL CONFLICTS

The Commission discussed concern in that in the establishment of the Emery County Fire Protection Special Service District Board, wherein the County Commission, Sheriff Guymon and others may represent potential conflicts. The concern being expressed was that the Board must be a separate entity from Emery County and that such representation may jeopardize that.

Commission Chairman Mark Justice reviewed the creation of the District. It was his understanding that special conditions applied to the Fire District. Whereas, the Fire District was County-wide. It was his understanding that at the time, the Commission needed to be on the Board. He further pointed out that the Sheriff heads the Fire Board. He expressed concern in that this would possibly jeopardize any future PILT monies to be received into the County. It was his recommendation that this be further discussed with Mark Walsh.

Commissioner Dixie Thompson recommended that her name be removed from that Board so as not to endanger receipt of PILT monies.

However, Commissioner Justice recommended that the commission look further into this at their next commission meeting and County Attorney, Patricia Geary look into the legal questions regarding the commission appointment to that Board and whether it would endanger receipt of PILT monies. He further recommended that Commissioner Dixie Thompson's request to have her name removed from the Board not receive any action at this time, but be reviewed and considered at the next Fire Protection Special Service District, cont. . . .

Commission meeting. County Attorney, Patricia Geary concurred with that recommendation.

Also, as part of the Special Fire Protection Service District, would be the creation of a capital replacement fund. That is also to be considered at the next Commission meeting.

(15)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission for their consideration the following items:

- A) Request for Leave of Absence for Loralie Platero of the Economic Development Office - Mrs. Platero has asked for a leave of absence for approximately three months.
- B) Temporary Help in Extension Office - Requested was the ratification of the hire of Jodi Ann Jeffs in the Extension Office.
- C) Wesley Petersen - Sheriff's Office - Presented was the Personnel Action Form for Wesley Petersen to be hired as a full-time dispatcher in the Sheriff's Office. Effective date is June 1, 1992.
- D) Weed & Mosquito Department Seasonal Hires - Presented were the Personnel Action Forms for Duane Fowler, Dennis Dooley, Tim Farr and Andrew Thompson to be hired as Temporary/Seasonal workers in the Weed & Mosquito Department for a twelve week period. These individuals have worked previously during the summer months in this department. Effective date is June 4, 1992, until August 25, 1992.
- E) Charlane Luke - Auditor's Office - Presented was the Personnel Action Form for Charlane Luke in the Auditor's Office to receive a three-month probationary increase.
- F) Reclassification of RSVP Employees - Requested was the reclassification of RSVP employees from 20 hours to a classification of 20 to 39 hours per week. It was noted that at this time there is no increase in the 20 hours per week allowed to them.
- G) Requisition for Temporary Help - Attorney's Office - Presented was the requisition for temporary help in the Attorney's office for a six-week period. County Attorney, Patricia Geary indicated that she was looking at a high school graduate to do filing and who is interest in the area.

Personnel Items, cont. . . .

Commission Chairman Mark Justice inquired if there was any discussion from those present or the Commission. There being none, motion was made by Commissioner Clyde Thompson to approve the Personnel Items as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Colleen Evridge further reviewed with the Commission the Summer Youth Program. She indicated that the program pays for all of the wages. Presently, they have 21 on the

program. They include young people from ages 14 to 21, noting that the college students and others are yet to apply and will come into the program at a later time.

(16)

#### APPROVAL OF STATE COURT CONTRACT

Clerk, Bruce Funk reviewed with the Commission the contract for the Fiscal Year 1992-93 wherein the Emery County Clerk's office contracts with the Administrative Office of the Courts to cover Court functions as well as reimbursement for other costs within the County. He noted that the contract for the fiscal year 92-93 is in the amount of \$106,780. He further noted that reductions within the budget have been made in order to reflect the actual salaries and benefits for the two full-time employees. This contract is over \$1,000 more than the previous year, with Mr. Tim Simmons recommendation to the Administrative Office that it be further increased in the next contract.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Court Contract as presented and authorize Commission Chairman Mark Justice to sign the same. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She reviewed the Utah Local Governments Trust Contingency Fee and their request for \$42,000 from Emery County. She noted that the County has approved the joint hiring of an attorney with other Counties who are contesting the contingency fee.

2. She indicated that they are in the middle of the predator control appeal. There is a meeting coming up with the Forest Service and the Animal Damage Control. She noted that the Forest Service has invited wilderness people. Presently, there is no predator control on the Manti-Lasal and they are finding an increased number in predators.

Commissioners Reports, cont. . . .

3. She is further involved in the comprehensive land plan for the County and discussed an upcoming public meeting.

4. She reviewed the Fair Board meetings.

Commissioner Clyde Thompson:

1. He noted that if persons are interested in counting the Mexican Spotted Owl in the Duncan Mountain area, should contact the Forest Service.

Commission Chairman Mark Justice:

1. He discussed that 10 days ago FM 103.9 signal was changed and later again changed back. He indicated that comments were received in regards to the station and suggestions in regards to other FM stations and pending petitions, noted that this needed to be considered by the Commission and receive further public comments as to those stations desired.

2. He indicated that Ira Hatch has advised him that two to three areas of grazing have been opened up on a trial basis. He discussed elk limitation efforts.

(18)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 8:04 p.m.

ComMin6-17-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

June 17, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

COMMISSIONERS MINUTES

The minutes of the June 3, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner

Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #921957 through and including #922106 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
67	Hon File Cabinets - Personnel	370.00	Approved
68	Vacuum Cleaner for Green River Sub Station - Sheriff	500.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the warrants for payments and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### COTTONWOOD ELEMENTARY - NINA GRAY - SUMMER SCHOOL FUNDING REQUEST

Commission Chairman Mark Justice advised those present that he has received a request from Nina Gray, Principal at the Cottonwood Elementary School again soliciting \$500 to operate the Summer School Workshop. He indicated it was his opinion that it does fall into Emery County Recreation and funds could come from that department. He then inquired if there were any comments from the Commission or the public.

Commissioner Clyde Thompson noted that he was not in favor of funds to this program as well as the other one being considered by the Commission today. He questioned whether this would be setting a precedence.

Bruce Funk, speaking as a citizen of the County, questioned as to whether the County should be in the business of providing funding to educational programs, just as the School District should not be in the business of making roads. He then expressed concern over the precedence being set. He noted that other schools under so-called pilot programs should be equally justified in receiving funds. He further pointed out that in the past, the County has not funded head-start which would provide funds for disadvantaged children throughout the County.

Auditor, Karen Truman noted that in giving funds to one particular school in one particular city in the County, is a potential problem in that other schools in the County could expect equal opportunity. She went on to point out that if County Recreation were to offer classes on a County-wide basis so that people throughout the County could benefit, then it would be better use of County funds.

Mike Cox inquired as to how summer school tied in with recreation.

After discussion, motion was made by Commissioner Dixie Thompson to go ahead and confirm \$500 out of the Recreation Budget. She noted that she is impressed with the program and that others are taking opportunity to fashion programs after the Cottonwood Elementary.

The Commission recognized the initiative and the program being offered by Mrs. Gray and the benefit it has to those participating in the program. They recognized that it does merit consideration by the Commission.

Wherefore, Commission Chairman Mark Justice noted that due to lack of a second, Commissioner Dixie Thompson's motion died. Therefore, Commission Chairman Mark Justice made a motion to contribute \$250 to the summer school program. He noted that the program has been run previous years without any assistance from the County. After further consideration, motion was seconded by Commissioner Dixie Thompson with Commissioner Clyde Thompson voting nay. Whereupon, motion passed.

(4)

#### EMERY HIGH SCHOOL RODEO FINALISTS - FINANCIAL ASSISTANCE

Commission Chairman Mark Justice noted that he has received a request from the Emery High School Rodeo Club outlining those who are finalists in both the National Rodeo Meet in Oklahoma and those in the Invitational in Nevada. It was the request of the Commission that Emery County Auditor Karen Truman review past contributions to the Rodeo Club.

Later, Mrs. Truman reported to the Commission that her records indicated that no contributions had been made to the Rodeo Club in the past.

Therefore, no action was taken by the Commission on this matter at this time.

(5)

#### CONSIDERATION FOR APPROVAL OF FOREST ROAD AGREEMENT

Commissioner Dixie Thompson advised the Commission that she has met with the Forest Service. They have expressed an interest to contract with the County in taking over certain forest roads. She provided to the Commission maps of those high-use roads to be



included. It was her suggestion that the County accept these roads and put them under Class B roads, enabling the County to receive State monies. However, she expressed concern in that the Forest Service is also closing some roads. The Wilderness people have encouraged the closure of certain roads.

Road Superintendent Rex Funk noted that some of the roads included are the same roads being bladed now. Such an agreement would provide State funding. However, he expressed concern by the County assuming ownership of those roads which would require bringing them up to a standard grade and would also increase the County's liability.

Commissioner Dixie Thompson indicated that she would like the County to have full ownership of the roads and that within the agreement, ownership of the roads might be negotiated.

County Attorney, Patricia Geary expressed concern with some of the language within the agreement and as to whether the County would release any rights to roads.

Commissioner Clyde Thompson expressed concern due to the costs of upgrading the road and increased liability it would bring to the County.

Whereupon, Commission Chairman Mark Justice at the request of the Commission tabled this matter for further discussion, requesting that County Attorney, Patricia Geary lead the process and work with the Forest Service, Road Superintendent Rex Funk and the Commission, in particular Commissioner Dixie Thompson who is over the Road Department and come back with a recommendation.

(6)  
EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT -  
RESOLUTION 6-17-92A

County Attorney, Patricia Geary reviewed with those present the background and creation of the Emery County Fire Protection Special Service District and the appointment of a Fire Control Advisory Board. This having been done on January 8, 1992. Since that creation, it has been determined that the Emery County Fire Protection Special Service District Board needed to have complete autonomy from the County. It is necessary for the Commissioners to re-constitute the governing authority of the District by revoking the authority previously delegated to the Fire Protection District Commission. Also, to re-designate the governing authority of the District by creating an Administrative Control Board. This Board being made up of three to five persons. Of whom, each is a qualified elector of the District plus a member of each of the municipalities, there being eight municipalities participating in the program.

In summary, County Attorney, Patricia Geary noted this Resolution would revoke the prior authority of the Fire District Board and basically change the make-up of the governing board.

Commission Chairman Mark Justice inquired if there were any comments from those present. There being none, motion was made by Commissioner Clyde Thompson to adopt Resolution 6-17-92A revoking the authority of the Fire Protection District Commission, repealing Sections 5 and 8 of Resolution 1-8-92C and redesignating an Administrative Control Board. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Auditor, Karen Truman in conclusion, expressed concern in that the Commission needs to follow strict financial procedures. It was further agreed upon that the make-up of the members of the Board from the municipalities would be submitted to the Commission at their next Commission meeting. After which, the Commission would appoint the remaining Board members.

(7)

APPROVAL OF CONTRACT FOR A SOLID WASTE MANAGEMENT PLAN -  
TAHOMA COMPANIES, INC.

Commission Chairman Mark Justice presented a Contract between Tahoma Companies, Inc., and Emery County. Wherein, Tahoma would agree to provide to the County a Solid Waste Management Plan.

County Attorney, Patricia Geary in responding to concern of Commissioner Dixie Thompson as to meeting County specifications, noted that the purpose of this contract is to create a County Waste Management Plan. Commissioner Dixie Thompson inquired of Road Superintendent Rex Funk as to any impact. Commissioner Dixie Thompson expressed concern in what could be required of the Road Department personnel. It was the recommendation of the County Attorney that any addendums or additions to Part C require written authorization by a majority of the Commission.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Agreement. Motion was seconded by Commissioner Clyde Thompson. It was agreed upon by all parties that this agreement would be subject to any changes determined necessary by the County Attorney's office. Motion was approved by all members present.

(8)

CREATION OF TWO JUSTICE COURT PRECINCTS - RESOLUTION 6-17-92B

County Attorney, Patricia Geary along with Commission Chairman Mark Justice advised those present of the need to create two Justice Court precincts. At the present time

Emery County has two Justice Courts in one precinct. They have been notified by the Administrative Office of the Courts that the law only allows for one judge per precinct. Therefore, presented to the Commission for their consideration were the redefined boundaries for Precinct #1 and defining the boundaries for Precinct #2. Precinct #1 boundaries are to the North and West of the following: from highway mile marker 279 on Highway 6, straight east to the County boarder, west to Buckhorn Mountain down and across Assembly Hall Peak, crossing I-70 at Exit 124 and on to Wayne County at Wild Horse Butte.

Justice Court Judge Stan Truman noted that they have basically agreed to this on a trial basis in order to determine how the case load is and after one and one-half years it could be changed. Justice Court Judge Betty Burns indicated it was her understanding this would be looked at in six months and expressed concern with the development at the Woodside area. It was noted by those present that the boundaries would be look at again at a later time in order to achieve a more equitable case load in both precincts.

Whereupon, motion was made by Commissioner Dixie Thompson to approve Resolution 6-17-92B which creates a new Emery County Justice Court Precinct #2, redefining the boundaries of Precinct #1 and defining the boundaries of Precinct #2. Whereupon, motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(9)

#### DISCUSSION OF LUNDY LANE TO THE COUNTY ROAD SYSTEM

Commissioner Dixie Thompson addressed the Commission in a follow-up request by Clifford Elliott in that Lundy Lane be added to the County road system. She noted that she has reviewed this with Road Superintendent Rex Funk and has received additional information from Mr. Elliott. She noted that the County has received ownership of the Lundy Lane property through the May Tax Sale. She advised that Road Superintendent Rex Funk indicated that the cost to bring it up to an acceptable standard would be \$31,600. Her concern is that the road is not going anywhere. She further reviewed the letter sent to her by Planning and Zoning Administrator, Bryant Anderson indicating that the parties are not in compliance and that they do not have the required 330 feet plus of frontage on the County road. She then read the letter in its entirety to those present. She reported that the area is a real problem and concern over the liability to the County before and after construction.

Road Superintendent Rex Funk indicated that since Emery County has received ownership of that road, it might be prudent to improve it to an acceptable standard.

It was the suggestion of Commission Chairman Mark Justice to put the road on the County road system at a "minimum" standard level. At the suggestion of Commissioner Dixie Thompson, Commission Chairman Mark Justice tabled this matter to solicit the concerns of other residents living in the area to be reconsidered at a later time.

(10)

#### EXECUTIVE SESSION

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to go into Executive Session at 11:04 a.m. to discuss Personnel matters. Motion was approved by all members present.

Commission Chairman Mark Justice reconvened the regular Commission meeting at 11:12 a.m. with all members present.

(11)

#### CASTLE VALLEY PAGEANT - REQUEST FOR GRAVEL

Montell Seely addressed the Commission requesting the County make available 272 cubic yards of crushed gravel to be used at the Pageant site. He further reviewed with the Commission improvements being considered at the site, including increased seating capacity. His request of the gravel, if the County would furnish it, would free up funds, allowing them to asphalt roads. He noted that Nielson Construction has agreed and allowed them, as a contractor, to request of the County the donation of the gravel. He further went on to recognize the positive economic impact to the County.

Road Superintendent Rex Funk advised that the County has no means of delivering the gravel as equipment is tied up in chipping roads.

After further consideration, motion was made by Commissioner Dixie Thompson to support and grant the request for the gravel. Motion was seconded by Commission Chairman Mark Justice. Commissioner Clyde Thompson voted nay. Whereupon, motion passed.

(12)

#### COMMISSIONER'S REPORT

Commission Chairman Mark Justice:

1. He noted that he has received a letter from a Mr. Daniel A. Humphrey of Santa Maria, California, dated June 6, 1992, addressed to Judge Truman in regards to Officer Richard D. Graham. Commission Chairman Justice requested that this letter, in recognition, be published in the Commission minutes. The letter is as follows:

Dear Judge Truman:

On my way through Utah I had occasion to meet Officer R.D. Graham, Badge #24, on I-70. It was the most remarkable experience I have had under such circumstances.

Officer Graham was courteous in the extreme, putting me so at ease that I felt like I had benefitted from the encounter. I was prepared for a sound scolding, roguish treatment, and a stinging fine; but I came away feeling as if a servant of the people had caught me in time to avoid something more severe than a scolding, had given me a little reminder to be more circumspect, and sent me on my way a better man! Well, it gave me a very good feeling about Utah, which I have always thought was a state whose natural beauty surpassed all others. When I pass through Utah again, I am certain I will be more careful in my actions.

So I thank the State of Utah for its concern for my welfare and that of others, and I am happy to contribute to its support.

Sincerely,

/s/ Daniel A. Humphrey

(13)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 11:23 a.m.

ComMin7-1-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

July 1, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commissioner Clyde Thompson.

(1)

COMMISSIONERS MINUTES

The minutes of the June 17, 1992, Commission meeting will be held for review on the July 15, 1992, Commission meeting. Therefore, no action was taken.

(2)

PRESENTATION AND APPROVAL OF THE 1991 AUDIT FOR EMERY COUNTY

Independent Auditor, Kay Kimball presented to the Commission the 1991 audit for Emery County. He stated that the audit was clean and it was his opinion that the County is in excellent condition.

Commissioner Clyde Thompson informed those present that the Commission had earlier received copies of the audit and had gone through them with Mr. Kimball. Therefore, it was his motion that the Commission accept and approve the 1991 audit for Emery County as presented by Mr. Kimball. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #922142 through and including #922285 for payment.

The following requisitions were presented for consideration:

Req. #	Item and Description	Amount	Action
69	Two bodyguard cages for vehicles - Sheriff	450.00	Approved
70	Sabre utility body - Sheriff	4,739.50	Approved
Requisitions, cont. . . .			
71	Security Screen for Dodge Caravan - Sheriff	384.00	Approved
72	External CD Rom - Justice Court	550.00	Approved
73	Three radio communication - Weed & Mosquito	1,740.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

## SETTING OF 1992 TAX RATE FOR EMERY COUNTY

Auditor, Karen Truman presented to the Commission the proposed tax rates for Emery County for 1992. She pointed out that there has been an increase in the value of taxable properties which has allowed the County to take advantage of a slight increase in revenues without an increase in property tax rates. She went on to point out that the certified tax rate for 1991 was .004325. It is proposed that the tax rate be set at .004082. She noted that this results in a \$372,000 savings in property taxes. The proposed tax rate would include a proposed General Fund tax rate of .003032; Library Fund rate of .000366; Flood rate of .000184; and Assessing and Collecting rate of .000500.

Commission Chairman Mark Justice inquired if there were comments from those present. There being none, motion was made by Commissioner Clyde Thompson to accept and adopt the proposed tax rate as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

## AMENDING THE 1992 BUDGET - RESOLUTION 7-1-92A

Auditor, Karen Truman presented to the Commission for their consideration Resolution 7-1-92A which amends the 1992 Emery County General Revenue and Expenditure Budget. This adjustment is necessary because of the new value increase resulting in an increase of the property taxes. However, there is no overall increase in the total budget. This is because of a decrease in the interest earnings.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 7-1-92A amending the 1992 Emery County General Revenue and Expenditure Budget as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

## SETTING THE 1992 TAX RATE FOR THE WATER CONSERVANCY DISTRICT

Mr. Jay Mark Humphrey came before the commission on behalf of the Water Conservancy District. He indicated that the certified tax rate for the District is .000148. His proposal to the Commission was that it remain the same. This would provide a slight increase in monies. He discussed the need for additional funds because of safety of dams program, weed control and new laws. This would provide approximately \$22,000 increased revenue.

Commission Chairman Mark Justice inquired if there were any public discussion or comment. There being none, motion was seconded by Commissioner Clyde Thompson to approve and set the 1992 tax rate at the certified rate of .000148. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### SETTING THE 1992 TAX RATE FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT

Auditor, Karen Truman presented to the Commission on behalf of the Castle Valley Special Service District the proposed tax rate for 1992 at .002652. She noted that it is down from the certified rate of .002902. She further pointed out that this is the result of removing the judgment assessment of last year.

Commission Chairman Mark Justice inquired if there were any comments from those present. There being none, motion was made by Commissioner Clyde Thompson to set the tax rate for the Castle Valley Special Service District at the proposed rate of .002652 for the year 1992. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### FM RADIO STATIONS - CHANGES

Commission Chairman Mark Justice invited Emery County Electronics Technician Bret Mills to review the present situation as it relates to FM radio stations and their translators located on the Horn Mountain. Mr. Mills went on to indicate that there are a total of six FM translators. Five of them owned by the County. He noted that KUER is owned by the University of Utah and plays classical music. His proposal was that consideration needed to be given for rounding out the selection as to types of music played by the stations being broadcast. He noted that their license will permit minor changes. The County has the right to change if it better serves the residents. The other stations are KLZX which plays classic rock and roll, KALL playing mostly oldies but has recently been bought out by KKAT, KSFI playing easy listening; KRSP playing classic rock and roll and KSOP playing country and western. He further reviewed that in the past the signal on the KRSP has been at times fair to poor. Therefore, the equipment has dropped the retransmitting because of poor signal quality.

FM Radio Stations, cont. . . .

Commission Chairman Mark Justice at this time inquired if there were comments from those present.

Joel Dorsch presented to the Commission a petition containing 361 signatures. They are requesting that the station KZHT which plays the top 40 and caters to a younger listening audience and would be no duplication of other stations, be considered by the Commission as a possible replacement for KRSP which has had signal difficulties. He noted that presently there are two classic rock and roll stations.



Commissioner Dixie Thompson noted that she has received numerous phone calls to replace KRSP with a similar type station as petitioned.

Mr. Mills noted that he has received a number of calls in regards to FM100, the KSFI station because they have changed their format.

Janet Kinder indicated that she supports the continuance of KRSP and that she felt there were also others who like that particular rock and roll station. She questioned why KRSP was not upgraded.

Bret Mills indicated that the County has spent approximately \$4,000 in trying to improve that signal, but it has been of little benefit.

Also questioned by those in attendance was the possible installation of an additional translator.

Wherein, Mr. Mills indicated that the FCC licenses are frozen. Installation of a new translator would increase the interference problems. The initial cost to start would be \$4,500.

Emery County School District Electronics Technician Willie Frisbee emphasized that the problems are reception of weak signals and that Mt. Nebo peak is in the way of incoming signals.

Other stations were discussed. It was pointed out there had been support for KBER.

Whereupon, the Commission expressed appreciation for the input. Therefore, the consensus of the Commission to table any action in regards to this matter until they have had sufficient time to review it further. They requested Mr. Larry Davis, from the Emery County Progress, and through the paper to conduct some type of survey so that the Commission could get a better feel for the needs of the County.

(9)

**EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT BOARD  
MEMBER APPOINTMENTS - RATIFICATION OF MUNICIPAL APPOINTMENTS -  
RESOLUTION 7-1-92B**

Presented to the Commission for their consideration was Resolution 7-1-92B. The Resolution designates and appoints membership of the Administrative Control Board of the Emery County Fire Protection Special Service District. The resolution proposed that the Administrative Control Board be made up of the following members: Commissioner Mark Justice, Commissioner Dixie Thompson, Commissioner Clyde Thompson. Those representing the municipalities were: Tracy Addley of Orangeville, Garth Childs of Huntington, Richard Childs of Emery, Byron Rollins of Ferron, Clark Atwood of

Cleveland and Danny Brotherson of Elmo. It was further pointed out that representatives have not been submitted from Green River or Castle Dale.

County Attorney, Patricia Geary noted also in the Resolution that the Commission can appoint three members to that Board or up to seven. Also, each municipality having a representative. Therefore, it was her recommendation to the Commission that they approve the proposed Resolution subject to correction of typographical errors.

At this time, Commissioner Dixie Thompson requested that her name be removed from that Board as a Commissioner.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution with the Commission appointments of Mark Justice and Clyde Thompson and ratifying the municipal representative as presented, eliminating Commissioner Dixie Thompson and subject to the inclusion of the Green River and Castle Dale representatives. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### APPROVAL OF AGREEMENT WITH QUESTAR PIPELINE COMPANY

County Attorney, Patricia Geary informed the Commission in regards to the Huntington-Lawrence road project that the Questar pipeline possibly needed to be moved. It had been Questar's position that it was the County's responsibility for all costs incurred. However, she has met and they have negotiated with Questar in an initial excavation to determine if the pipe does need to be replaced or moved. The negotiation was commenced with Emery County providing the labor and equipment to excavate down to the pipe. Questar would provide supervisory personnel. The agreement would terminate upon excavation. Therefore, the County and Questar would enter into further negotiations when determination is made as to what would be required, if anything, of the pipeline. This does not commit or obligate the County to further costs at this time.

Questar, cont. . . .

Whereupon, motion was made by Commissioner Dixie Thompson to accept and approve the agreement between Emery County and Questar Pipeline for the test excavation and line determination. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

#### RENEWAL OF SHERIFF BAILIFF SERVICES CONTRACT

Sheriff, Lamar Guymon at the request of the Commission pointed out that the contract before the Commission was a continuance of the previous contract with the same terms

and conditions and that it is nothing more than a renewal. It was his recommendation that the Commission approval the renewal.

Whereupon, motion was made by Commissioner Clyde Thompson to accept and approve the memorandum of understanding between Emery County and the Administrative Office of the Court containing the terms and conditions of the contract #921389 from July 1, 1992, to June 30, 1993. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### 1989-1990 DENNIS CARTER VA TAX EXEMPTION

Treasurer, JoAnn Behling reviewed with the Commission a request from Mr. Dennis Carter for Veterans Tax Exemptions for the year 1990. She went on to indicate that he had applied for a veterans exemption in 1989 and was eligible and then in 1990 he assumed application for eligibility had been made. However, she was unable to find any records of the same. She pointed out that he is truly eligible. It is in the opinion of the County Attorney's office that we should honor that veterans tax exemption for the year's 1989 and 1990.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the veterans tax exemption for Dennis Carter for the year's 1989 and 1990 as recommended. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(13)

#### REQUEST TO WRITE OFF TAXES ON ABANDONED MINE

Treasurer, JoAnn Behling, speaking on behalf of herself and Recorder, Ina Lee Magnuson, advised the Commission of the need to write off the taxes for an old abandoned mine belonging to Energy Fuels in the amount of \$68.84. She further noted that this is not on the State assessed records and that it is an unpatented mining claim.

However, after further discussion, Commissioner Dixie Thompson recommended that the matter be tabled to allow the Commission time to further investigate this matter before taking any action. Therefore, this matter was tabled.

(14)

#### DISCUSSION OF THE JUSTICE COURT PRECINCT BOUNDARIES

Commission Chairman Mark Justice reviewed for those present the need to create two Justice Court Precincts and that in so doing the Commission previously had established an eastern boundary. Wherein, the Buckhorn road accesses the Freeway at milepost 124. He further went on that it appeared that in passing the Resolution at the last Commission

meeting, that the wrong milepost was used and it appears there is not total agreement. Therefore, he asked for discussion.

County Attorney, Patricia Geary noted that the documents from the information provided to her was that it was milepost 124 and upon receipt later of drawings it indicated 129.

Judge Betty Burns of Green River expressed her concern that using this milepost marker that it would take off five miles of interstate from her jurisdiction or ten miles total length if you consider both sides of the highway. Therefore, she objected to the boundaries. She further went on to indicate that she was not told of the mistake and it was changed without her being told.

Judge Stan Truman noted that he did not recall the exact milepost number but in the discussion it was as he understood it to be milepost 124 and then later was told 129.

Commission Chairman Mark Justice indicated that it was his understanding that it was where the desert road exit was located. Sheriff, Lamar Guymon concurred with Commissioner Justice.

Commissioner Justice noted that the intention of the Commission was to be fair and equitable.

Judge Burns went on to point out that she wanted to do what was best for the County. She pointed out that this would create a hardship on people from Green River who were cited there who would be required to go to Castle Dale rather than Green River for payment of the citation. She further noted that the Utah Highway Patrol has expressed concern with the new boundaries. However, it was pointed out that they were provided the opportunity to give their comments prior to the adoption of any boundaries and had not done so.

Commissioner Dixie Thompson pointed out after review of the map that it appeared they had approximately the same number of miles per precinct.

Commission Chairman Mark Justice emphasized that it was agreed by all that at some later time, this be re-evaluated to determine if it is meeting the public needs and to evaluate the case load on both precincts. He recommended that this be done at year end.

Therefore, it was suggested that the minutes reflect Judge Burns opposition to the change in the milepost marker. However, it was the consensus of the Commission and those present that this matter be reviewed and evaluated at the end of the year to see if it is meeting the needs of the public and if there is a need to re-establish any boundaries. Therefore, no action was taken on this matter at this time.

## REQUEST FOR FINANCIAL ASSISTANCE ON VAN OBTAINED THROUGH THE UTAH DEPARTMENT OF TRANSPORTATION

Mr. Maughan Guymon, Aging Director, advised the Commission that the Aging Program has the opportunity to receive a Van under the UDOT program. He noted that this is one previously approved for the Emery County RSVP who has since received a Van elsewhere. He informed the Commission that the County Aging Program had made application for the Van. It having been approved and can be picked up on July 16. However, they need 20% matching funds. His purpose in coming before the Commission today was to ask the County for those matching funds. This would amount to \$3,658.20.

Commission Chairman Mark Justice inquired if the RSVP Van donation funds were available. Mr. Guymon indicated that those funds had been used to purchase hearing devices and other worthy projects as approved by those donors and the RSVP Board.

Also present was Sue Jones who advised the Commission that in talking with the UDOT if the County was to turn down the matching funds, it would appear that the County was not interested and could affect future requests.

Mr. Guymon further pointed out that within his budget funds were not budgeted for appropriation of the Van and that it would impact his programs greatly.

After further discussion, motion was made by Commissioner Dixie Thompson to approve the purchase of the UDOT Van, provided the County finds the funds available. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(16)

## FERRON CITY FINANCIAL REQUEST FOR CLUB HOUSE AT MILLSITE GOLF COURSE

Council Member Dean Behling addressed the Commission on behalf of the Ferron City Council, noting that the Community Impact Board has requested that they reduce the amount of the request in the form of a low-interest loan. Construction of a new clubhouse would also include storage for the carts and a shop, increased parking lot and move the old clubhouse. He inquired of the Commission if funds were available through the Recreation Budget or if the County would consider the \$5,000 annual loan guarantee to the CIB.

Millsite Clubhouse Request, cont. . . .

Commissioner Clyde Thompson noted that the County could not loan public County funds.

Mr. Behling inquired if the County can provide fill for the parking lot which would provide savings as well as possibly moving the clubhouse.

Commissioner Dixie Thompson indicated that the County would need additional information as to the amounts of material and the machine hours to provide the requested fill. She emphasized the possibility, but reiterated the need for data.

Commission Chairman Mark Justice indicated this could be given further consideration at the July 15, 1992, Commission meeting and consideration would be given to County Recreation funds. Also discussed was the Capital Projects Fund. He noted that the Commission does support the golf course and it is a good asset to the County and would like to do what they could to assist.

Whereupon, it was the consensus of the Commission to table the matter until the July 15, 1992, Commission meeting to consider the request further and that Mr. Behling provide to Commissioner Dixie Thompson the required information as it relates to the fill.

(17)

#### GRAMA - GOVERNMENT RECORDS ACCESS MANAGEMENT ACT

County Attorney, Patricia Geary noted that she had put this item on the agenda. She noted that it went into effect July 1, 1992, and we are subject to the State Statutes until the County submits its own records access management proposal resolution. She further noted that it is in draft form at the present time and will be put on for approval at the July 15, 1992, Commission meeting. She also pointed out the need to appoint a records officer.

Mr. Maughan Guymon strongly encouraged participation. Other elected officials present asked that the draft ordinance be submitted for review and for a recommendation prior to official Commission action.

(18)

#### BUILDING INSPECTOR

It was noted that the Cities have requested full-time building inspectors in a cooperative effort with the County, however, only three cities have expressed a willingness to participate at this time. Those cities being: Huntington, Cleveland and Emery. However, it was noted that with only three cities responding and that sufficient monies were not budgeted for a full-time position, that no action be taken in regards to the request at this time.

Planning and Zoning Director, Bryant Anderson concurred with the Commission action.

(19)

#### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She informed the Commission of meetings relating to the Utah Local Governments Trust request of contingency funds. She noted that they are now willing to negotiate the \$42,000. However, it was noted that it appeared that the agreement would include that amount be kept in a line item in the County budget and that it was not to be assessed as an exit fee.

2. She reviewed other meetings in regards to assessing and collecting. She noted that the proposal was defeated and therefore, would be assessed on the present basis.

3. She discussed the County Comprehensive Planning. It has been delayed because of the engineering firm's high dollar cost and that she is on the budget committee.

4. She advised the Commission that she is going to the NACO meetings and will support Pete Coleman on the PILT committee and will be discussing other land issues.

5. As to the appeal on the predator control, she indicated it was not favorable. The wool growers are looking over the appeal. She indicated that in the next five to ten years the sheep industry in the area would be destroyed.

(20)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 8:40 p.m.

ComMin7-15-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

July 15, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Deputy Clerk, Wendi Downard.

The meeting was called to order by Commission Chairman Mark Justice at 9:03 a.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

COMMISSIONERS MINUTES

The minutes of the June 17, 1992, Commission meeting were reviewed. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson to approve the minutes. Motion was approved by all members present. The minutes of the July 1, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)  
AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #922336 through and including #922521 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
74	4 Buoyancy Control Devices, 2 Wet Suits and 2 Regulators - Sheriff	2,850.00	Approved
75	20% Billing for 1992 Van - Senior Citizens	3,658.20	Approved
76	1 Portable Generator - Road Dept.	1,200.00	Approved
77	2 Pneumatic Impact Wrenches - Road Dept.	410.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission for their consideration the following items:

A) Marcee Wright - Clerk's Office - Presented was the Personnel Action Form for Marcee Wright in the Clerk's Office to receive a three-month probationary increase. This



increase is to be retroactive to March 1, 1992, as that was the date Marcee completed her three-month probationary period.

B) Utanna Wilson - Career Service Council - Mrs. Snowball advised the Commission that Utanna Wilson's term on the Career Service Council expires this month and that Mrs. Wilson has agreed to serve another term. It was Mrs. Snowball's request that the Commission appoint Mrs. Wilson for another term on the Career Service Council.

C) Dispatch Co-ordinator - Sheriff's Office - Mrs. Snowball and Sheriff Lamar Guymon advised the Commission that currently the Dispatch Co-ordinator is a Sergeant at a grade 13. It was their request that the position be revalued to a grade 15, which would put it on level with the other Sergeant positions in the department. It was Sheriff Guymon's intention to place the Dispatch Co-ordinator in charge of the new 911 program which will be implemented very soon. It was the consensus of the Commission at this time to table this request to allow them time to review the position and place this item on the agenda for the next Commission meeting.

Motion was made by Commissioner Dixie Thompson to approve the Personnel Items, as presented, for Marcee Wright and Utanna Wilson. The motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(4)

#### COLLEEN EVERIDGE - JOB SERVICE, DISCUSSION OF PROGRAMS, PROJECTS, AND SERVICES

Colleen Everidge came before the Commission to advise them of the various programs and services that Job Service has to offer. Some of the programs and services that were discussed were:

Summer Youth Program - this program places youth in both the private and public sectors of the community for work experience and try-out experience. Job Service picks up total expenses for this and the youth receives a weekly check. Each year there are more and more youth participating in this program. This year the program was granted a budget of \$100,000. There are 96 youths enrolled in the program this year, 9 of which are high school dropouts. As part of the program, these individuals are encouraged and assisted in obtaining their GED's. Also, as part of this program, the participants are tested and those who test below a 7th grade level in reading and math must take remedial classes. These individuals are paid for attending the classes and they cannot report to their jobs unless they have attended their classes. This teaches the youth the importance of both work and school.

JTPA Program - this is a program for low income families. There are currently 90 people on this program. Most of these people are placed locally at CEU but there are participants in this program placed at all the colleges, depending on the individual's

major. Some of the fields that are being pursued at this time are: an attorney with a journalism base, a bachelor's degree in animal science, financial management, registered nurses, teachers, truck drivers, operating engineers and social services workers.

On The Job Training - this is similar to the try-out experience except for it is an adult program continuing all year round. Job Service places a low income individual with an employer and pays half of their wages during the training period up to 500 hours. The employer agrees to keep the individual on for a certain period of time.

Relocation Program - if it is necessary for a person to relocate in order to become employed, this program can assist them with the expenses of moving. The participant must prove that they have a job in another area. The program can help them with such things as first months rent, U-Haul trailer, gas money, hotel money etc.

Adult Education - assists individuals over 21 year of age to get a high school diploma or GED.

Job Placement - Job Service placed 721 persons in jobs last year in our area.

Counseling and Testing - Job Service spent 10 days at both the high school and the junior high schools counseling and testing students to get them thinking of what kind of career they might be interested in. Programs were also presented at the elementary level. Personal adult counseling was done for 392 individuals and 783 people were tested. Job Service also offers specialized testing for employers such as the test for the Sheriff's office.

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Colleen Everidge, Job Service cont. . . .

Mrs. Everidge also advised that her department has labor market information and presented the Commission with a copy of a demographic booklet for Emery County and a plan of service for 1992. Mr. Everidge added that she has taken over the chair of the Castle Country Film Committee. The first movie will begin in Carbon County on September 21, 1992 with filming to take place in Helper. Mrs. Everidge indicated that she will set up a committee in both Carbon and Emery County and believes it could be of great benefit to both counties.

Commission Chairman Mark Justice asked what involvement Job Service might have in promoting the four lane highway between Spanish Fork and Price. Mrs. Everidge indicated they would do whatever they could to promote this project as it could be a great benefit to both Carbon and Emery County.

The Commission thanked Mrs. Everidge for her presentation and suggested that she plan to meet quarterly with the Commission.

(5)

#### DISCUSSION OF FM RADIO STATIONS BROADCAST ON COUNTY OWNED EQUIPMENT

A number of Emery County residents came before the Commission to voice their preference concerning what FM radio stations are to be broadcasted in the county. Joel Dorsch, along with a group of Emery County youth and adults, presented a petition with 400 names of county residents who would like to have KZHT 94.9 broadcasted. Mr. Dorsch indicated that he believed it was the Commission's purpose to see that we cover as wide a variety of musical tastes with our broadcasting as possible. Mr. Dorsch went on to list a number of top 40 musical acts featured on KZHT that are not being carried by any of the other stations. Commissioner Dixie Thompson commented that she had been told by a concerned mother that if KZHT was a rap station, she would not want her family to listen to it. Mr. Dorsch responded that all the radio and television stations had some songs or programs that are sometimes offensive and that parental discretion would have to be used.

Cody Thornton, along with a group of Emery County youth and adults, came before the Commission and presented 5 surveys that were put out by the Emery County Progress and a petition of 250 names, which were gathered within a 24 hour period in support of keeping Rock 103 on the air. This group stated they did not care if KZHT 94.9 was added, as long as Rock 103 was not dropped.

Bret Mills stated that there are some serious receiving problems with Rock 103 and outlined those problems. A few residents said that they had talked to Rock 103 and thought these problems could be resolved.

Commission Chairman Mark Justice stated that the issue here today was not maintenance problems but what radio stations the county wants. He added that

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FM Radio Stations cont. . . .

they would do whatever was necessary to provide the stations the county wanted.

Larry Davis of the Emery County Progress advised the Commission of the results of a survey that the newspaper had conducted.

The Commission thanked all of those who had expressed their preference and were pleased to see such a number of youth becoming involved. Commission Chairman Mark

Justice advised that the Commission would consider what they had heard today and would look into the possibility of adding a new transmitter and would make their decision next commission meeting.

(6)

#### FIRE PROTECTION SPECIAL SERVICE DISTRICT BUSINESS

Leslie Bolinder submitted the following names as Castle Dale and Green River's appointees to the Fire Protection Special Service District Board: Howard Burnett for Green River and Wayne Maxfield for Castle Dale.

Whereas the board can have as few as three or as many as seven members besides those members from the municipalities, Commissioner Clyde Thompson made a motion to have three members. The motion was seconded by Commissioner Dixie Thompson and approved by all members present.

The board members terms will be decided by random drawing. These will be alternating terms. Leslie Bolinder and County Attorney Patricia Geary drew the following names at random to serve two year terms: Commissioner Clyde Thompson, Clark Atwood, Danny Brotherson, Garth Childs and Richard Childs. The following names were drawn at random to serve four year terms, with the vacant appointment to be a four year term: Byron Rollins, Commissioner Mark Justice, Wayne Maxfield, Tracy Addley and Howard Burnett.

County Attorney Patricia Geary presented the following Resolutions and Interlocal Agreements:

Resolution No. 7-15-92A and Interlocal Agreement transferring \$453,795.00 from the general fund to the Fire Protection Special Service District for purchase of fire equipment to be replaced when the district receives it's grant from PCIF.

Resolution No. 7-15-92B and Interlocal Agreement transferring county owned fire trucks and equipment to the Fire Protection Special Service District.

Resolution No. 7-15-92C and Interlocal Agreement authorizing Emery County to provide accounting, legal and secretarial services to the Fire Protection Special Service District.

Motion was made by Commissioner Clyde Thompson to approve the resolutions and interlocal agreements as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### APPOINTMENT OF LIBRARY BOARD VACANCIES

Commissioner Dixie Thompson indicated that there are now two vacancies on the Library Board. One term has expired and the other vacancy was created by the death of Verda Miller. The Commission expressed their appreciation for the service and dedication of Mrs. Miller in this capacity. Commissioner Thompson indicated that two individuals have been suggested to fill these vacancies; these being Vickie Durrant from Huntington and Shirley Baltzer from Orangeville. Vickie Durrant will represent the north end of the county and her term will expire in June 1995. Shirley Baltzer will represent the central area and her term will expire June of 1996. Motion was made by Commissioner Dixie Thompson to appoint these two ladies to the library board. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

#### ORIENTATION OF COMPLIANCE WITH AMERICANS WITH DISABILITY ACT.

Personnel Director Pat Snowball came before the Commission to offer a presentation concerning the Americans with Disability Act. This act was signed into law on July 26, 1990. Beginning July 26, 1992, the Equal Employment Opportunity Commission will enforce provisions in the ADA prohibiting discrimination by both public and private employers in regard to qualified employees who have disabilities. One of the purposes of the act is to ensure that all employees are treated with dignity and respect by the employer.

This act covers hiring, compensation, job training and other terms, conditions and privileges of employment. ADA Title 3 applies to all firms that are open to or cater to the public. Businesses can be found to be in violation of ADA by failing to provide facilities that are readily accessible to the public. Mrs. Snowball explained that this is a very serious law with substantial penalties for non-compliance. Mrs. Snowball indicated that this act would have an impact upon the county and that the key is the attitude of the employer. Everyone needs to have sensitivity and she sees that the goal of our county is to treat everyone who comes through the door the same. Mrs. Snowball advised that she will be conducting training for supervisors. In response to a question from Commission Chairman Mark Justice, Mrs. Snowball indicated that she felt our facilities were in compliance. However, she said that Terry Gibb from Active Re-Entry would accompany her on a visit to the county buildings.

Mrs. Snowball was advised that some audits had already been conducted for RSVP, the Tax Commission and the courts. The Commission requested that someone be appointed to co-ordinate the efforts by the different organizations auditing. At the suggestion of Commissioner Clyde Thompson, Pat Snowball was appointed to do this. She will be working closely with Commissioner Clyde Thompson who is over facilities.

(9)

#### DISCUSSION AND ADOPTION OF GRAMA ORDINANCE

County Attorney Patricia Geary indicated that she had not had an opportunity to meet with all the departments. She requested that this item be put on the agenda for next commission meeting.

(10)

#### APPROVAL OF CONTRACTS - JOHANSEN AND TUTTLE ENGINEERING

Rex Funk and Craig Johansen came before the Commission for approval of four contracts with Johansen and Tuttle. During the audit process, Kay Kimball had pointed out that the county needed a contract for general professional services for construction costs under \$100,000. This is to be annually renewed. Mr. Johansen outlined how these services had been handled in the past and indicated that the contract specifies that they continue in the same way. Three other contracts were presented which cover these projects with construction costs over \$100,000: Buckhorn Draw, Ghost Road and the Huntington Airport. These contracts had been reviewed by the county attorney's office.

Commissioner Clyde Thompson indicated that it was also pointed out by Kay Kimball that there be a contract covering re-survey plats for the county. Mr. Johansen stated that he would prepare that contract. The contract for general services was signed by all three commissioners. Commissioner Dixie Thompson, as road department commissioner, was appointed to sign the other three contracts and will sign all such contracts in the future.

(11)

#### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She advised that she had just returned from the NACO convention.  
She indicated that there was a great deal that went on that had to do with our county in the form of resolutions and support from NACO itself. She advised that NACO will be asking Congress to increase PILT. They will also be asking that the federal government be required to budget for and handle noxious weeds on federal lands. She indicated that Utah had good support at the convention.
2. She indicated that they were having trouble with getting the contract out on the Buckhorn Road. The DWR has requested a raptor and a cultural study.
3. She advised that the county fair was progressing. She said that she believed there will be an even greater amount of people this year than in the past. She has asked the cities to put out some brochures in the information booth in order to scatter them throughout the county as much as possible. Many people coming in with tents will need portable toilets and it needs to be determined who is responsible for this.

Commissioner Clyde Thompson:

1. He advised that Green River is discussing a golf course and would probably be contacting the county to see if the recreation department could support this. He said that there would be a meeting with Utah Parks on July 21st at 10:00 a.m.
2. He advised that there had been an evaluation of the AOG by the Denver office and they were given the highest marks of any AOG in the Western States.
3. He indicated that there would be a BLM district council advisory meeting nextweek and if anyone would like something brought up at that meeting, they need to get it to him.
4. He advised that we are still having a battle with Carbon County over our mineral lease money. He indicated that they don't seem to understand the issue.

Commission Chairman Mark Justice:

1. He indicated that the PILT legislation that was proposed last year in Congress and did not pass has probably as much impact on Emery County as any piece of national legislation because our county is predominantly owned by the federal government. He was very impressed with NACO's approach to this in trying to broaden their base by getting the eastern states involved.
2. He had a notice from the Price office of the Forest Service concerning Ron Prettyman who has applied for a permit to have trail rides that would begin at Nuckwoodard canyon. He asked the commissioners to

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Commissioner's Reports cont. . . .

consider sending a letter to the Forest Service in support of Mr. Prettyman. He indicated that Mr. Prettyman has a guide service that brings people out of the area down here and takes them on the desert and he is trying to expand his operation. He felt this would be a positive thing.

(12)

OTHER BUSINESS

Dean Behling of Ferron City Council had been before the Commission previously to request fill for the parking lot at the golf course. He had been asked to find out how much material would be required and how many machine hours would be needed. He indicated, at this time, that it would require approximately 2,000 yards of pit run and 550 yards of gravel and use of equipment for one or two days. Mr. Behling indicated that this

would allow them to cut down their request to the impact board. Commissioner Dixie Thompson advised Mr. Behling that she would need to meet with Road Superintendent Rex Funk to see what would be possible and requested that Mr. Behling be put back on the agenda for next commission meeting.

(13)

#### MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 12:03 p.m.

ComMin8-5-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

August 5, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commissioner Clyde Thompson.

(1)

#### COMMISSIONERS MINUTES

The minutes of the July 15, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #922538 through and including #922794 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
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78	Planix 6 Roller Planimeter and accessories - Assessor	589.00	Approved
79	Miniprint II TDD (Telecommunications Device for the Deaf) - District Court	289.00	Approved
80	Excercise Equipment for Green River Sub Station - Sheriff	800.00	Approved
81	Toaster & Washing Machine for Jail - Corrections	700.00	Approved
82	Light Bar and Other Accessories for new Ram Charger - Sheriff	1,400.00	Approved

Auditor's Business, cont. . . .

83	110 Watt Radio for new Ram Charger - Sheriff	1,457.00	Approved
84	Crane Water Heater - Detention	2,098.00	Approved
85	Registration for Rosann Fillmore to attend second stage of Grant Writing Seminar - Commission	250.00	Approved
86	Lawn Mower - Nursing Home	2,500.00	Approved
87	Mattresses - Nursing Home	600.00	Approved
88	Learning/Training Cassette Programs - Data Processing	356.25	Approved
89	Hon File Cabinet - Road	466.00	Approved

Motion was made by Commissioner Dixie Thompson to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(3)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following for Commission consideration:

A) Shaun Jeffs-Communications Department - Presented was the Personnel Action Form for Shaun Jeffs to be hired as a temporary employee in the Communications Department. This will be from July 20, 1992, to September 30, 1992.

B) Janeal Reay-Green River Justice Court - Presented was the Personnel Action Form for Janeal Reay to be hired in the Green River Justice Court as a temporary employee. This will be from July 27, 1992, through August 31, 1992. She is to assist while Gwen Weihing is on medical leave.

In addition to this Mrs. Snowball asked that the Commission authorize other County employees on a volunteer basis to contribute vacation time to Gwen who is on medical leave without pay and has not accumulated time with the County.

Auditor, Karen Truman emphasized that departments need to recognize that it would amount to a day's pay from that department's budget for those individuals donating time.

It was the consensus of the Commission to approve the request.

Personnel Items, cont. . . .

C) Maleah Day-Attorney's Office - Presented was the Personnel Action Form for Maleah Day to be hired as a temporary employee in the Attorney's office. This will be from July 28, 1992, to September 4, 1992.

D) Laura Thompson-Economic Development - Presented was the Personnel Action Form for Laura Thompson to be hired as a temporary employee in the Economic Development office. This will be from July 8, 1992, to September 15, 1992.

E) Wade Eliason-Sheriff's Office - Presented was the Personnel Action Form for Wade Eliason to be hired as a full-time employee in the Sheriff's Department in Dispatch. Effective date will be August 15, 1992.

F) Requisition-Road Operator II-Road Department - Presented was the Personnel Requisition Form for a Road Operator II in the Road Department to begin September 1, 1992, to replace Wayne Staley who is retiring. Commission Chairman Mark Justice inquired as to why the difference in the rate of pay in temporary employees being considered at this time. Mrs. Snowball indicated that it was based on what was expected. In the case of Economic Development, it was because of Laura's familiarity with the computer and the ability to start out immediately in those responsibilities.

It was suggested by the Commissioner's that consideration needed to be given to a comparable rate of pay for temporary employees.

Commissioner Dixie Thompson inquired as to the full-time position in the Sheriff's office. It was her understanding that earlier this year a full-time position had been filled and that no new positions had been budgeted for. Auditor, Karen Truman, together with Pat Snowball indicated that this is the filling of vacant positions since budget time.

Whereupon, motion was made by Commissioner Clyde Thompson to approve all of the presented Personnel Action Forms and Personnel Requisitions, including the authorization of voluntary contribution of vacation time by employees to Gwen Weihing in the Green River Justice Court. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### DIVISION OF WILDLIFE RESOURCES PURCHASE OF PROPERTY ON THE MUDDY RIVER

Mr. Miles Moretti, Regional Director of Wildlife Resources advised the Commission that his purpose in coming before them today was the concurrence of the Commission in DWR purchasing the property of Jay C. Jacobsen located on the Muddy river which is north and west of Emery. He introduced Mr. Brent Hutchings who is the Habitat Acquisition Specialist for Wildlife Resources.

Mr. Hutchings presented a brief outline to the Commission with a map of those areas being purchased, noting that they have spent a considerable amount of money in paying for damage and control of the elk in that area. Therefore, they have been approached by Mr. Craig Anderson who is a realtor representing Mr. Jacobsen. They have expressed an interest in selling the property. Mr. Hutchings indicated that Wildlife Resources would enhance the foliage and vegetation in hopes of drawing the elk out of other private lands. They are required under the law to notify various governmental agencies. Mr. Hutchings was questioned as to whether this could be another Hardware Ranch-type facility.

Mr. Moretti responded in that he did not see that type of application and discussed briefly those problems associated with such an elk-feeding program.

Also discussed by Mr. Hutchings was the share-cropping by caretakers. The County road will remain opened. They have no concern or opposition in any future building of a dam on the Muddy River.

Commissioner Dixie Thompson noted that she was opposed to any more selling of private owned property to the State or Federal. However, she recognized the problem of the damage caused by the elk to the farmers. Therefore, she felt comfortable in such a transfer. Mr. Hutchings further pointed out that Wildlife Resources pays \$.50 per acre in lieu of taxes, this by State law.

Also discussed was fencing, possibility of a wildlife viewing area and game birds. It was noted that the property consists of 824 acres. Also noted was that arrangements have been made with other property owners in the canyon area to allow for wildlife grazing.

County Attorney, Patricia Geary noted that the Commission having passed a Resolution of prohibition against the sale of private property to State or Federal noted that in such a case the Commission could make exception under the circumstances.

Whereupon, motion was made by Commissioner Dixie Thompson that the Commission go on record of concurring in the sale of the property offered by Jay C. Jacobsen to the Division of Wildlife Resources, recognizing the circumstances that it would best meet the needs of Mr. Jacobsen and other ranchers in the area. This is a step to solve those concerns. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

**ARLO FAWCETT - CONTRACT WITH EMERY COUNTY TO CHECK  
CENTRALLY ASSESSED OIL AND GAS PROPERTIES**

Assessor, James Fauver introduced Arlo Fawcett, of Appraisal Consultants Construction Associates (ACCA). Mr. Fawcett noted that he would like to contract with Emery County on a contingency basis to research to see if the County is missing any oil and gas locations. Mr. Fauver noted that the County dropped almost \$2 million in value this year. It was his desire to see why. He noted that this was originally valued during a boom period and that possibly other sites have been missed. He noted this is a trial basis investigation.

Auditor, Karen Truman inquired how this differed from a person hired from the Utah Association of Counties to value State assessed properties. Mr. Fawcett will be doing an inventory of oil and gas locations and there would be no cost to the County unless he finds an error and then would receive a percentage of the recovered amounts.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the contract with Mr. Arlo Fawcett subject to review by the County Attorney. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

**CARL BENTLEY - KEY BANK REQUEST FOR COUNTY ROAD DESIGNATION**

Mr. Carl Bentley, of the Key Bank in Helper came before the Commission noting that he is processing a loan application for a buyer of a home Southwest of Elmo. He described to the Commission that the approach is by a County road with the exception of the last 1,800 feet which the owner has a right of way. However, FHA finds that unacceptable. Unless the County would accept it as a County road it would render the home unfinancible. He further reviewed with the Commission how the property was sold to his clients, the Drapers. He again emphasized the need for better legal access. He emphasized his request of the Commission was to accept the road on the County road system, not only for the Drapers, but others who could develop properties in the area. He noted that the BLM has already expressed a willingness to transfer the right of way to the County and that Mr. Draper is willing to provide some equipment for repairs.

Assessor, James Fauver questioned whether the home initially was in compliance with the building codes and the acceptance of such a road could set a precedence by the Commission.

Road Department Secretary Carol Ware suggested to the Commission that this be referred to Road Superintendent Rex Funk who is on vacation at this time and allow him to evaluate the situation and bring his recommendation back to the Commission.

Commission Chairman Mark Justice suggested to Mr. Bentley that he work through Commissioner Dixie Thompson who is over the Road Department and Road Superintendent Rex Funk.

County Attorney, Patricia Geary suggested a review of the policy in unincorporated areas and that any final decision be subject to approval of the Attorney's office.

After further discussion, motion was made by Commissioner Dixie Thompson to accept that portion of the road to the County road system as requested by Mr. Bentley in behalf of his clients, the Drapers. This would be subject to approval of Road Superintendent Rex Funk and subject to the approval of the County Attorney's office and that a Class D designation type road be considered. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(7)

#### FERRON CITY REQUEST FOR HAULING OF MATERIAL

Mr. Dean Behling, Council Member of Ferron City, addressed the Commission and inquired as to whether they had made a decision in regards to moving the gravel and pit run material for enlarging the parking lot at the golf course.

Commissioner Dixie Thompson indicated that she has not had an opportunity to discuss this fully with Road Superintendent Rex Funk.

Mr. Behling indicated that he had talked to Mr. Funk after the last Commission meeting. He indicated that what was being considered was a two-day period in which the County would provide the equipment, labor and materials for enlarging that parking lot. This is being considered at a time when the county would be moving their road crews in that area. He indicated that this was fine with Ferron City. He further noted that should the City not receive the grant monies from the CIB they would not enlarge the golf course parking.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the request pending Road Superintendent Rex Funk's approval in providing the gravel and the pit run material, equipment and labor for that two-day period for the requested project. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)

#### FM RADIO STATIONS

Mr. Joel Dorsch was present to discuss the FM radio station requests with the Commission. Commissioner Dixie Thompson reviewed first a letter she had received from Mr. Steve Kemple of Ferron. It was Commission Chairman Mark Justice recommendation after visiting with Bret Mills, Communications Specialist, and others that licenses for the transmitting are available at no cost to the County. Presently there are no monies in the budget to purchase translators and that the stations being rebroadcast remain the same through 1992 and that the County budget sufficient monies for three additional translators in 1993. The first station to be put on line would be the KZHT which received a significant amount of support with the addition of the two Price stations. It was noted that the addition of the Price stations would be of great benefit to the County in the support of local broadcasts as well as employment of County residents.

Commissioner Dixie Thompson briefly reviewed the problem with KRSP, expressing concern over their transmissions and the increased cost to the County maintaining it. It was suggested that KRSP needs to improve their transmission.

Mr. Joel Dorsch suggested that the Commission look further into the possibility of public access radio, noting that the frequency allotted has been tied up by Carbon County for approximately 30 years. He further went on to note that KZHT had received support far and above others in the surveys done by the Emery County Progress and others. His concern was over the 14 month licensing period. However, Commission Chairman Justice indicated that the licensing period is expected to be only two to three months and it would be expected to have it by January 1, 1993. It was then questioned as to why KALL might be considered for dropping at this time and replaced by KZHT.

Whereupon, motion was made by Commissioner Dixie Thompson that the Commission apply for three additional licenses, that they discontinue transmitting KALL and replace it with KZHT and that new translators be given consideration at budget time. Motion was seconded by Commissioner Clyde Thompson and approved by all members present. It was further noted and agreed upon by the majority of the Commission that continuance of KRSP is contingent upon future reception problems, recognizing the increased cost to the County in maintaining its transmission.

(9)

#### LUNDY LANE ON COUNTY ROAD SYSTEM

Commission Chairman Mark Justice noted that after review with Commissioner Dixie Thompson and Road Superintendent Rex Funk that Mr. Funk has indicated that there is no need to take formal action by the Commission. He noted that Lundy Lane is part of the County road system through a tax default.

(10)

## BOARD OF EQUALIZATION

Auditor, Karen Truman advised the Commission that disclosure notices have been mailed and that taxes are lower than last year. However, the School District property tax rate exceeds the certified rate. Therefore, the School District will be required to have a public hearing. The Board of Equalization rates have been set as follows: Green River - August 18, at the County Complex, from 10:00 a.m. to 2:00 p.m.; Castle Dale - August 19, at the County Courthouse, beginning at 11:00 a.m.

(11)

### RESOLUTION - OUTLINE AND PROCEDURE TO DISPOSE OF COUNTY OWNED REAL PROPERTY

This matter was tabled.

### (12) EDWARD A. DIMICK - REQUEST FOR PURCHASE OF COUNTY-OWNED PROPERTY

Mr. Dimick was not present nor represented. However, Assessor, James Fauver, advised the Commission that the property being considered is located in the Orangeville area. He has set a value with the low of \$5,400 and a high of \$9,380.

After discussion, motion was made by Commissioner Dixie Thompson to approve the sale of the property and dispose of it in accordance with the Emery County Procurement and Disposal procedures which requires a 30 day advertisement period wherein the Commission would accept the highest bid. Motion was seconded by Commissioner Clyde Thompson and approved by all members present. The Commission directed Emery County Auditor, Karen Truman to obtain the description and publish the notice of sale.

(13)

### APPROVAL OF CONTRACT WITH JOHANSEN AND TUTTLE TO RE-ESTABLISH SECTION CORNERS

Recorder, Ina Lee Magnuson came before the Commission at this time, however, there was no representation by Johansen and Tuttle Engineering. Commission Chairman Mark Justice noted that the agreement has been approved as to form by all parties. It covers the resurveying and re-establishment of section corners in the County.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the contract as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

### APPROVAL OF THE E-911 PURCHASE AGREEMENT

Commission Chairman Mark Justice presented to the Commission for their approval the E-911 Purchase Agreement, No. E-911-3 Agreement with AT&T. He noted that they have been approved as to form and this is a follow-up on the requisitions previously approved.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the purchase agreements as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH AREA AGENCY ON AGING

Commission Chairman Mark Justice presented to the Commission for their consideration the agreement between Emery County and the Southeastern Utah Area Agency on Aging. He noted that the agreement comes before the Commission at this time because the Southeastern Utah Area Agency on Aging is on a fiscal year budget. He further noted that this is identical to the previous year's budget.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Interlocal Agreement as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### SURPLUS PROPERTY DISPOSAL

Commission Chairman Mark Justice in discussing surplus vehicles with Sheriff, Lamar Guymon, indicated that it appeared there were sufficient vehicles at this time to conduct an auction. It was his recommendation that Randy Anderson of Emery be contacted as the auctioneer.

Auditor, Karen Truman recommended that the Commission and those wishing to dispose of properties follow the procedure. She will provide disposition forms.

Commission Chairman Mark Justice indicated this is tentatively set for the first of October. Whereupon, motion was made by Commissioner Dixie Thompson to approve the disposal of surplus vehicles as recommended. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(17)

#### COMMISSIONER'S REPORTS

Commissioner Dixie Thompson:



1. She, together with County Attorney, Patricia Geary advised those present that they have filed a second appeal with the Forest Service, together with Jay Mark Humphrey on predator control on the Manti-Lasal. It is hoped this will join with the Fish Lake and Dixie Forest appeals. She noted they have had emergency meetings with the livestock permittees. They were in unanimous agreement.

It was further noted that this will allow time for negotiations with the Forest Service, pointing out that the main concern is the required non-lethal method of control and the establishment and proof of losses before lethal means could be used.

2. She indicated that the UAC Mutual Insurance is better than anticipated. Dollar wise they are in a very good position.

3. The Steering Lands Committee in the Utah Association of Counties has tentatively put Emery County off in the land use planning. She noted that they will proceed with Wayne, Garfield and Piute Counties because of their similarities and then will do Carbon, Emery and Uintah Counties in approximately six months. She indicated she will be going before the Community Impact Board tomorrow for funding for the project.

4. She emphasized that the Emery County Fair is going great.  
Commission Chairman Mark Justice:

1. He noted that the sick leave policy as submitted by the Employee Committee should have been received by all elected officials and department heads. He requested that they review that policy for further discussion and consideration in the next Elected Officials Meeting.

Commissioner Clyde Thompson:

1. He indicated when he visited the East Carbon Landfill he found it to be very interesting. Their request was that Emery County participate by disposing in the fill at a cost of approximately \$17 per ton. This could be set up in a long-term contract from five to ten years. He was very impressed with the landfill and discussed the construction with those present.

2. He discussed the change in the BLM to district offices rather than area offices. He noted that Emery County will be under the Price District.

3. He further reviewed Representative Bill Orton's visit down the Colorado River. Bill Orton recommended our support of him.

4. He discussed the impact to the Eagle in the Cisco area in stopping the construction of a boat ramp.

5. Also discussed was the coal bed-methane gas development in the Castle Gate area.

(18)

#### OTHER BUSINESS

Clerk, Bruce Funk presented to the Commission for their consideration an application for Business License from Frieda Willie operating the business of Willie's Jewelry in Ferron, Utah. This was approved by Planning and Zoning Director Bryant Anderson with the noted restriction that they restrict the sale to the existing business location.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the business license as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

#### MEETING ADJOURNMENT

Motion was made by Commissioner Dixie Thompson to adjourn the meeting at 8:09 p.m. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

ComMin8-19-92

### MINUTES OF THE REGULAR MEETING

### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

### HELD IN THE EMERY COUNTY COURTHOUSE

August 18, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

#### COMMISSIONERS MINUTES

The minutes of the August 5, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner

Clyde Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #922804 through and including #922973 for payment. Discussed was the warrant for AT&T's equipment purchase for the Emery County E-911 system. It was noted that the claim is in the amount of approximately \$76,991. Mrs. Truman advised the Commission that the County at this point has collected only \$57,914 over approximately a three-year period. She discussed the options with the Commission. She indicated one option would be to use the County cash flow funds until budget time and in addition go into the 1993 budget with a deficit in that budget.

It was the recommendation of Commissioner Clyde Thompson that the County go ahead with payment in order not to hold up the project. Therefore, motion was made by Commissioner Clyde Thompson to pay all the warrants including the one for AT&T equipment and approve the anticipated budget deficit at the end of the year for that budget. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
90	Equipment baskets & box for Fire Warden truck - State Lands & Forestry	340.00	Approved
91	7-1/2" metal cutting band saw - Road	900.00	Approved
92	Scan hand-held radios - Sheriff	868.00	Approved

Motion was made by Commissioner Clyde Thompson to approve all requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commission Chairman Mark Justice discussed the need to cultivate services in Emery County by purchasing goods and services locally, realizing the County has an obligation to purchase as cheaply as possible. It was his suggestion that efforts be made to purchase from local vendors. He has received a list of approximately 500 Emery County businesses in which he solicited Commission support in sending an invitation to them, inquiring of them as to those products which might be considered for purchase by the County. This concern was agreed upon by the Commission.

(3)

### DISCUSSION OF UTAH POWER AND LIGHT HIRING PRACTICES

Mr. Gene Hess and Mr. Robinson of Utah Power and Light came before the Commission to discuss the Commission's concern in the recent hirings at Utah Power and Light. Those particularly mentioned was at the Huntington Plant in the hiring of several custodians. All of which were from Carbon County, none from Emery County.

Commission Chairman Mark Justice, together with Commissioner Dixie Thompson addressed concerns brought to them by citizens of Emery County in relation to possible unfair consideration of Emery County residents for positions.

Mr. Gene Hess responded in that all hiring is done through Job Service. Typically, they are given a list of qualified applicants and they are hired according to scores. As a company, they cannot discriminate upon location unless response time is a factor. Mr. Hess indicated that Emery County residents at the Huntington Plant were estimated to be approximately 60%. At the Hunter Plant, 75 to 80%. As to where a person resides, there is a trend in that they will relocate according to convenience, facilities and recreation. He discussed the number of County residents in all of the UP&L facilities which include the Carbon Plant, the two service centers, the two power plants in Emery County and maintenance facilities. The Carbon UP&L plant has two Emery County employees. For all facilities as mentioned, 286 live in Carbon County, 297 in Emery County, 31 from other areas.

Commission Chairman Mark Justice pointed out that in the recent hiring of the custodians at the Huntington Plant, all from Carbon County, it appeared to be more than coincidence. Commissioner Dixie Thompson added that it had been conveyed to her of the supervisors dislike for Emery County and felt that it was a factor and it shows up in other ways.

Further discussed was how the Castle Dale and Price Job Services were used. Commission Chairman Mark Justice further pointed out that the actual numbers appeared to be approximately 2% Emery County residents employed at the Carbon Plant and that 80% of Emery County employees at the facilities was more like a 60/40 split.

Mr. Hess went on to point out that Carbon County has twice the population. His company employs only under the Fair Practices Act and will continue. He recommended that the Commission meet further with Shana Jobe, their Human Resource person. The consensus of the Commission was that although this may have been a coincidence, they did want to express those concerns to UP&L on behalf of those citizens who have expressed these concerns to them.

(4)

### PERSONNEL ITEMS - ROAD DEPARTMENT

Personnel Director, Pat Snowball came before the Commission as a result of the Personnel Requisition for an Operator II previously approved by the Commission. The in-house recruitment was successful in that three applicants applied. They have been interviewed. Two of the applicants were temporary/seasonal employees of the Road Department and one a career service employee. It was Road Superintendent Rex Funk's recommendation that Wayne Maxfield be hired to fill the vacancy. Mr. Maxfield having worked with the Road Department for the last four seasons. This position would start effective September 1, 1992. Presently, he holds a nine-month temporary position which terminates on December 31, 1992. With Mr. Maxfield's hiring, it would leave the balance of that temporary position open. It was Mr. Funk's recommendation that Rich Blackburn, who is presently on a five-month temporary position fill the remaining term of Wayne Maxfield's temporary position. It was asked that the Commission give approval to fill the balance of the five-month position which would be left vacant by transferring Mr. Blackburn.

Commissioner Clyde Thompson inquired as to why the position being filled was an Operator II, rather than an Operator I. Mrs. Snowball indicated that it was an option of the Department Head. Road Superintendent Rex Funk noted that the recruitment process in-house has produced a more qualified individual than through Job Service.

Commissioner Clyde Thompson inquired again as to the precedence being set in hiring at an Operator II rather than an Operator I. It was noted that the position being requested is at a Grade 10, Step J.

Commission Chairman Mark Justice inquired as to why with the new Personnel evaluation that a Step A was not being considered. Other elected officials present expressed concern in that it was their understanding that the new evaluation was to take into consideration the beginning salaries of all employees in their position.

Mr. Funk indicated to those present that the Grade 10, Step J was the same pay rate as had been offered to Operator II's on the previous salary schedule and classifications.

Whereupon, it was the consensus of the Commission that this item be tabled until the September 2, 1992, Commission meeting to allow for further consideration and discussion. Therefore, no action was taken at this time.

(5)

#### BRAND INSPECTION AGREEMENT

Commission Chairman Mark Justice reviewed with those present the proposed Brand Inspection Agreement. He noted that is identical to the agreement entered into previous years. Therefore, it was his recommendation that the Commission accept and approve the agreement.

Whereupon, motion was made by Commissioner Clyde Thompson to accept and authorize Commission Chairman Mark Justice to sign the agreement. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

TRANSFER OF CAPITAL IMPROVEMENT FUNDS TO THE RECREATION DISTRICT - CREATION OF A RESOLUTION TO DISSOLVE THE CAPITAL PROJECT FUND

Commission Chairman Mark Justice advised that the Recreation District which was created in January 1992, that the County has a Capital Improvement Recreation Fund with a balance of \$13,982.62. It was his suggestion that these monies be transferred to the newly created Recreation District.

It was Auditor, Karen Truman's recommendation that in so doing the Commission would have to dissolve the Recreation Capital Improvement Fund.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the transfer of the balance of the fund in the Capital Improvement Fund to the Recreation District and to authorize the County Attorney's office to prepare a Resolution for the Commission at the next Commission meeting to dissolve the Recreation Capital Improvement Fund. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

DISCUSSION OF WILLOW BEND ROAD IN GREEN RIVER

Commissioner Dixie Thompson discussed the Willow Bend Road located near Green River. It serves three residents. It is not a County road for the last one and one-fourth mile. Residents have requested that the County add this to the County road system. She has reviewed this with Road Superintendent Rex Funk and to improve and upgrade it would cost approximately \$80,000. If the Commission was desirous to proceed, these monies would have to be budgeted for the next year. When asked if she had a recommendation, she indicated that she did not have one at this time.

Road Superintendent Rex Funk was then asked for his recommendation. He reviewed with the Commission his concerns on the road and what would be required to fit it into the Road network. The prime concern is that it is on a sand bed and is below the elevations of adjoining fields and possibly even the Green River. He further went on to note there are numerous smatterings of such situations throughout the County and that their request to bring the road up to some standard has merit. Although he offered no recommendation to the Commission. His prime concern is that this could be establishing a precedence should the Commission proceed with it.

Pat Snowball commented that she questioned whether the homes were in compliance originally with the zoning ordinances. Therefore, to make these kinds of improvements on the road could have a "snowballing effect" with other such type requests of the road department throughout the County. She expressed much of the same concerns also aired.

Commissioner Clyde Thompson recommended that the residents continue grading as they have done in the past and that the County consider possibly coming in and cut some of the brush if that was desired.

County Attorney, Patricia Geary noted that in the last six months there have been three or four requests for the County to take over roads. It was her recommendation that the County make a decision and enforce the Ordinance. She recommended that each request not be considered on a hit and miss type basis.

She reviewed the purpose of the Planning and Zoning Ordinances in that the goal was not to provide services to outlying areas. Also noted was that private lanes are acceptable. She further went on to indicate that there should be no discrimination in determining which roads are brought onto the County Road system. She indicated that any Commission action needs to be considered on a county-wide basis.

Commissioner Dixie Thompson recommended that Planning & Zoning Director, Bryant Anderson review this and make a recommendation back to the Commission. However, Commission Chairman Mark Justice pointed out that Planning and Zoning is not going to try to enforce past violations, but in the future they will.

After further discussion by the Commission, it was their consensus that no action be taken on this matter at this time and that this item be referred to Planning and Zoning for discussion and recommendation.

(8)

#### STATE WILD LAND FIRE SUPPRESSION FUND

Commissioner Dixie Thompson inquired if the Commission had received the memorandum from Mark Walsh from the Utah Association of Counties on the Wild Land Fire Suppression Fund. She noted that seven Counties have been hard hit by fire and that this fund has saved them and that they are looking for additional support or membership from other Counties. Emery County's contribution based on its taxable value would be \$16,375.

The Commission had several questions in regards to this matter. Therefore, they tabled this matter due to lack of information. No decision was made at this time.

(9)

#### DISBURSEMENT OF MINERAL LEASE FUNDS

County Attorney, Patricia Geary discussed the Federal Government's roll in the disbursement of mineral lease revenues. She pointed out that four leases split Emery and Carbon County. One of the leases has 80% in Emery County and 20% in Carbon County. She noted that in the last four years somehow the MMS office of the government who determines that percentage going to each County had coded this lease incorrectly listing it as 100% in Carbon County. Therefore, Carbon County had received 100% of the mineral lease revenues for that mine. UDOT has determined that Emery County's share is \$1.1 million. She has offered to meet and negotiate with Carbon County on how to pay. However, Carbon County has brought the Statutes into it, pointing out that it is unfair and that because of impact there is a need to change the formula. She noted that MMS cannot calculate impact. Therefore, UDOT is holding the July and future allocations until this matter is resolved and that negotiations are at a stand still.

It was the recommendation of Clyde Conover of Ferron, that they spend the money necessary in order to win a favorable legal decision. It was also concurred by Kent Petersen of Ferron.

It was the motion of Commissioner Dixie Thompson to support a legal position by the County and take whatever action necessary to secure those funds. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

#### BUSINESS LICENSE

Presented to the Commission for their consideration was the Business License application for Dorothy Secody of Ferron for the manufacture and sell of Indian Jewelry at her residence only as approved by Planning & Zoning Director, Bryant Anderson. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the business license as presented. Motion was approved by all members present.

(11)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 11:08 a.m. was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson. Motion was approved by all members present.

ComMin9-2-92

MINUTES OF THE REGULAR MEETING



OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

September 2, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commissioner Clyde Thompson.

(1)

PUBLIC HEARING - SOLID WASTE MANAGEMENT PLAN

Commission Chairman Mark Justice opened the Public Hearing to receive public comment in accordance with the Utah Senate Bill #255, mandating solid waste management planning at 6:00 p.m. Commissioner Justice introduced Mr. Jack Voris, of Tahoma Companies, and asked him to review the rough draft of the solid waste management plan as submitted to the Commission today. Tahoma Companies of Cedar City, Utah, was awarded the contract by Emery County to prepare the solid waste management plan.

Mr. Voris introduced Corrie Player, owner of Tahoma Companies, and Mr. Jeff Emmons, of the Utah Division of Solid and Hazardous Waste. Mr. Voris indicated that as of today under the mandate of the legislature that a County plan has been done and is in the draft stage. They have all of the basic data and have followed the guidelines of the State and are here to receive public comment.

Mr. Jeff Emmons gave a slide presentation to those in attendance, discussing how the need for solid waste planning came about and those legislative and administrative changes regarding solid waste management.

Mr. Jack Voris reviewed their findings with the recommendation that what is presently used as a landfill stay. The present site represents no conflicts. That it remain in the status quo with upgrading in the future. The County possibly should look towards the Green River site and help in the management of their landfill. He further encouraged private landfills.

Mr. Scott Barney, present from Emery Recycling together with Ron Barney and Diane Barney, expressed concern in the way that private landfills had been treated in the past.

Commission Chairman Mark Justice inquired if there were any other comments from the public or suggestions.

Mr. Ron Barney, owner of Emery Recycling questioned Mr. Voris as to any thought of reducing the amount of waste before it gets to the landfill. Such as recycling facilities at locations throughout the County. Mr. Voris responded in that at present, because of the small amount of waste, it was not economically feasible and where do you take it once it has been collected.

Mr. Barney responded in that they are a private company involved in recycling and would take those products. He continued in that he has done extensive research in burning the waste. In a conversation with UP&L employees at one time, they expressed some interest not as a valuable fuel, but that it would be good for public relations in cleaning up the environment.

However, Mr. Voris indicated that he has recently contacted UP&L and they have indicated that they are definitely not interested. Discussed were locations and the need for waste transfer stations, particularly those to collect construction materials and large debris, but not household waste.

Mr. Barney concurred with Mr. Voris's plan in the amount of refuse being deposited in the landfill.

Commission Chairman Mark Justice noted that it is a twenty year plan and the County needs to consider all options. Although they may not be practical at this point, they may become feasible at some future date.

Mr. Jeff Emmons discussed the possibility of grant or low-interest loans for construction of the landfill from other governmental agencies.

Commissioner Dixie Thompson suggested that the public be apprised of the possibility of prices going up at the landfill. This is because of the mandated legislation in managing solid waste materials. However, Commissioner Clyde Thompson suggested that the public simply be advised as to what is going on and what is expected of them.

There being no other public comment, Commission Chairman Mark Justice concluded the public hearing at 6:50 and reconvened the regular Commission meeting.

Mr. Jack Voris later returned to the meeting after discussions with Jeff Emmons. It was suggested that in light of the State coming out later this month with new rules, it would be to the advantage of the Commission and Tahoma to move off the October 1 deadline to some later date. This would allow time to more fully include all new rules, although they will not be finalized until February or March 1993. This would make the County plan more complete in addressing those initial rules being established by the State. Therefore, it was the consensus of the Commission that a 60-day extension be allowed in order to address any new rules which might come from the State in the very near future. This would make the final draft of the plan due December 1, 1992. This was concurred by the entire Commission.

(2)

BID OPENING - TWO CAR GARAGE AT THE EMERY COUNTY NURSING HOME

The Commission informed those present that this was the time for the bid opening for the construction of a two-car garage at the Emery County Nursing Home. Two bids have been received. One bid from Mike Mathie of Huntington in the amount of \$35,990 as specified. The second bid received was from Kent Stilson Construction of Orangeville in the amount of \$36,876 in accordance with plans and specifications. There was a note that deletion of \$775.00 could be made if the grouting or bond beam was not required.

Whereupon, motion was made by Commissioner Clyde Thompson to recognize Mike Mathie as the apparent low bidder and to award him the contract if everything is in order after review. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. It was noted that one other bid was received at 6:50 p.m. and was rejected as the cut-off time was advertised as 6:00 p.m. (3)

COMMISSIONERS MINUTES

The minutes of the August 19, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(4)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #923024 through and including #923191 for payment.

The following requisitions were present for Commission consideration:

Req. #	Item and Description	Amount	Action
93	Three 1986 White WCL 62 BT W 300HP Cummin 9 SP TRANS, P/S,A/C,3 AXLE - Road	33,000.00	Approved
94	One 5,500 Gallon SS Semi Trailer - Road	6,000.00	Approved

Motion was made by Commissioner Dixie Thompson to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

## PERSONNEL ITEMS - ROAD DEPARTMENT

Personnel Director, Pat Snowball was excused from attending the meeting, but by letter she recommended the hiring of Wayne Maxfield as an Operator II at a Grade 10, Step J. Included in the letter were the reasons for that step increase over the beginning step. Commissioner Dixie Thompson mentioned the experience Mr. Maxfield has on equipment and his service with the County.

Road Superintendent Rex Funk reviewed a meeting earlier this day with other department heads and elected officials. Wherein it was recommended that initial hires be placed at a Step A. However, he did feel that Mr. Maxfield was well qualified and should be considered at a Step J.

Therefore, it was Commissioner Dixie Thompson's motion to approve the recommendation as submitted by Personnel Director, Pat Snowball. However, Commissioner Clyde Thompson noted that he felt they should start out at a beginning step.

Commission Chairman Mark Justice responded in that Mr. Maxfield is a good employee, having excellent qualifications. The concern is not with the hiring of him nor the salary level, but that possibly the salary plan did not initially do what all parties thought. It was most people's understanding that a Step A was the entry level and that it is much lower than the on the old salary schedule. The Commission needs to look at the salary schedule and possibly revise it to reflect what was intended. If adjustments are made, possibly after a six-month probationary period the County will be in a position enabling them to reflect the experience and performance, making the necessary adjustment. At this time, to go more than the Step A would be contrary to the present policy.

Road Superintendent Rex Funk continued in that Mr. Maxfield has been offered the job at the beginning step and has agreed. He noted that the Road Department has a vacancy and there is an urgent need to hire him now.

The motion submitted by Commissioner Dixie Thompson died because of lack of a second. Therefore, Commissioner Clyde Thompson moved that the Commission hire Mr. Wayne Maxfield at a Grade 10, Step A. Motion was seconded by Commissioner Dixie Thompson provided that the Commission look into this at the end of the year and if the entry level is increased, Mr. Maxfield receive any reflected adjustment. Mr. Rex Funk continued in that the position would be effective September 1, 1992. Motion was approved by all members present.

Mr. Funk made a recommendation that Rick Blackburn fill the nine-month seasonal vacancy left by Mr. Maxfield. This would in turn leave a three-month unfilled position previously occupied by Mr. Blackburn. Wherein, he would request Commission approval to begin the recruitment process to fill that position.

Whereupon, motion was made by Commissioner Dixie Thompson to approve Rick Blackburn to fill the remaining time in the nine-month seasonal employee position previously occupied by Mr. Maxfield and to authorize Road Superintendent Rex Funk to begin a recruitment process to fill the remaining three months of the five-month seasonal position held by Mr. Blackburn. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

DISSOLVING EMERY COUNTY CAPITAL IMPROVEMENT RECREATION PROJECT FUND AND TRANSFER OF FUNDS - RESOLUTION 9-2-92A

Presented to the Commission was Resolution 9-2-92A which dissolves the Emery County Capital Improvement Recreation Project Fund #43 and transfers the fund balance to the Emery County General Fund. It was noted that the fund has fulfilled the purpose for which it was created and that the balance of \$14,014.14 be transferred to the General Fund to the County.

Whereupon, motion was made by Commissioner Clyde Thompson to approve Resolution 9-2-92A as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS AND THE EMERY/GRAND COUNTY RETIRED SENIOR VOLUNTEER PROGRAM

Commission Chairman Mark Justice reviewed for Commission consideration the proposed contractual agreement between the SEUALG Area Agency on Aging and the Emery/Grand County Retired Senior Volunteer Program. He noted that this is the same format as previous years with no major or minor changes. The amounts are the same as in the past. The contract period is from July 1, 1992, through June 30, 1993. Therefore, it was his recommendation that the Commission approve and have it reviewed by the Attorney's office as to form.

Whereupon, motion was made by Commissioner Clyde Thompson to approve and authorize the signing of the contract agreement between the SEUALG Area Agency on Aging and the Emery/Grand County Retired Senior Volunteer Program. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

DISPOSAL OF SURPLUS PROPERTY TO EMERY TOWN

Reviewed was a request from Randy Lake, an Emery Town Council member, requesting the transfer of a 1968 International Truck, #283301H863354. This truck having been purchased by Emery County in 1976 from the Civil Defense. Wherein, Emery Town purchased fire equipment and installed it on the truck. Disposal of Surplus Property to Emery Town, cont. . . .

Emery County originally intended to transfer the vehicle to the Emery County Special Fire Protection District. However, because the equipment belongs to Emery Town, the truck has little value to Emery County, to which the Sheriff concurred. Therefore, motion was made by Commissioner Clyde Thompson to authorize and approve the transfer of the vehicle as indicated to Emery Town for their use or disposal. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### DISCUSSION OF WILDLAND FIRE SUPPRESSION FUND

Commissioner Dixie Thompson inquired of the Commission if they had received the letter from the Utah Association of Counties wherein it described the wildland fire options available to the County should they decide to participate. Commission Chairman Mark Justice commented that the cost to the County is based on a tax value. In option B, should the state run out of funds, it appeared the County would have to participate. Therefore, he questioned whether the County might be better off putting monies into local equipment and training. It was noted that the recently purchased mini-pumpers are able to respond to those types of fires and the personnel is trained. He continued in that at the present time he did not have enough information regarding this to make a decision.

Commissioner Dixie Thompson concurred in that the Commission wait for clarification from the Utah Association of Counties. Therefore, no action was taken in regards to this matter.

(10)

#### IRA HATCH - FOREST SERVICE UPDATE

Forest Supervisor, Ira Hatch, addressed the Commission expressing appreciation for the cooperation from the County in the noxious weed control, noting that it is a problem. He inquired if the County had received a copy of a letter on a joint Emery/Sanpete County meeting in regards to the Spruce Beetle in which there is a serious infestation. He continued in that they have completed the ground work in the swells area. It was agreed by those present that on September 10 at 8:00 a.m., Mr. Hatch and the Commission and Patricia Geary would visit the site for a review.

As to the drought, Mr. Hatch pointed out that earlier this year they anticipated that grazing would be down about 10%. It was noted that the Forest Service has given the permittees the option of reducing the number or the length of the season and it is coming just about right at that percent. He further reviewed areas which were down on water.

Discussed also was the Ferron Reservoir. He indicated that DWR has again been working on the site this year. They have finished the liner and will place a clay cap and hopefully all upstream work will be done by this fall and possibly storage of water will begin this winter.

Deep concern was expressed over the Goshawk where it has been designated as a sensitive species. Federal Fish and Wildlife Agencies are debating if there is a need to maintain certain habitat. This would effect the entire Manti-Lasal having a devastating effect on Forestry as well as grazing and other use of the Forest. Also noted was the appearance of a great number of Goshawks on the mountain and that the Commission needs to be deeply concerned about this as is the Forest Service.

Also discussed by Mr. Hatch was the proposed closure of the Miller's Flat road. He discussed the damage caused by users of the road in the early Spring in that it has been destructive use. The Closure would be from Joe's Valley to Huntington Canyon and it would be after March and until such time as the road bed is dry enough to sustain travel.

Commissioner Dixie Thompson expressed concern in the closure of the road to the public. Commission Chairman Mark Justice noted that it appears to be in the best interest of all users.

Also discussed with the Commission were the coal mine companies water monitoring programs. These in Cottonwood and Straight Canyons. This is used in monitoring the hydraulity and the effects of coal mining on water.

Further reviewed was the Committee meeting wherein discussed was a total development for Joe's Valley and the need for a low-water boat ramp. They will proceed with the environmental impact statement and the scoping process. He noted that they are looking along the east side of the reservoir for such a ramp. This is in hopes that they will be ready should the waters recede enough that such a ramp could be installed.

Mr. Hatch concluded by expressing concern that with the County intervening on behalf of special interest groups. Wherein, in the County taking stands, recognizing their right to do that, suggested that the County consider all the constituents of the County. He noted his required mandates to do certain management activities on the Forest. His decisions are based on collection of data, recognizing that they cannot satisfy all agencies.

The Commission recognized Mr. Hatch's concern without discussing specifically those items. However, the Commission did recognize that at times they have a need to represent special interest groups and that as such they will be in conflict with other groups. However, the County in interim would consult with persons or groups to obtain data. They would meet and consult with each other and legal counsel, consider the data and take any appropriate action or position which would be in the best interest of Emery County.

Both parties expressed appreciation to the other in reviewing these matters brought before the Commission today.

(11)

ROAD DEPARTMENT BUSINESS

A) Contract Award - River Bottom Road - Road Superintendent Rex Funk informed the Commission there were two bids received on the River Bottom Road. One from Nielson Construction in the amount of \$31,920; the second from Minchey Digging in the amount of \$37,950. He requested Commission approval to proceed with the awarding of the bid to Nielson Construction who is the apparent low bidder in the amount of \$31,920. It was noted that this is below the engineer's estimate of \$40,000. Whereupon, motion was made by Commissioner Clyde Thompson to recognize Nielsen Construction as the apparent low bidder on the River Bottom Road project and authorize Commission signing on the Notice of Award. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

B) Recommendation on Petersen Spur - Mr. Funk pointed out that this is the road discussed in previous Commission meetings by Key Bank officials on behalf of a buyer. Wherein, they had requested that the County add the road to the County road system. It was Mr. Funk's recommendation that the Petersen Spur be extended. (This is outlined in his memo of September 2, 1992, to the Emery County Commission.) This is in response to Key Bank's request on behalf of certain property owners adjacent to the road way. The benefits were noted to the property owners as well as the availability of a bus stop past the Dale Petersen property. It was noted that currently the bus must back out of the Dale Petersen driveway to turn around, which is illegal.

Mr. Funk further pointed out this program does not establish a precedence because of its uniqueness. Also, the Road Department, in essence, would be connecting the existing road to another existing county-owned right of way. Thus providing additional service to existing residences and eventually three more at some future date. The anticipated cost to the County would be \$10 to \$15 thousand to survey, gravel and obtain the additional right-of-way.

Whereupon, motion was made by Commissioner Dixie Thompson to accept the extension of the Petersen Spur as recommended by Road Superintendent Rex Funk. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

#### APPOINTMENT TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT BOARD

Commission Chairman Mark Justice noted that the Emery County Fire Protection Special Service District has a vacancy. The vacancy has been advertised and posted. The following people have applied for that position: Lar Johnson of Elmo; Bill Luce of Ferron; Linda Miller; Grant Wilson of Huntington; and LaMar Guymon. Commission Chairman Mark Justice noted that whereas LaMar Guymon has been greatly involved in the past with the Fire Departments and has a great deal of past experience, he would be the most qualified.



Therefore, motion was made by Commissioner Clyde Thompson to appoint Emery County Sheriff Lamar Guymon as a Board Member to the Emery County Fire Protection Special Service District. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

#### PLANNING AND ZONING PROPOSED CHANGE OF FRONTAGE REQUIREMENT

Planning and Zoning Director, Bryant Anderson reviewed with the Commission the present requirement for 330 feet of County or State road frontage before a building permit could be issued. However, it was pointed out that some roads terminate at properties, leaving them short the required frontage. This matter has been discussed with the Planning and Zoning Commission. It was Planning & Zoning's recommendation that for a one-family dwelling that the frontage be required to read as follows:

"The frontage on each lot used for a dwelling shall abut on an official state road or county road from which point such building gains vehicular and pedestrian access."

County Attorney, Patricia Geary requested that she be given an opportunity to look at the language and see whether or not it does provide for the original intent of the Commission.

Further discussed was whether this type of variance should be the responsibility of the Board of Adjusters, they being the Commission. However, it was pointed out that no such adjustments have been requested of the Commission and that the Commission understood that in no way could they give a variance reducing the required 330 feet. Therefore, this was the purpose of such a Resolution. Therefore, it was the consensus of the Commission that this matter be tabled and referred to the Attorney's office for proper wording and back to the Planning and Zoning Commission for a recommendation on a minimum length on that abutment.

(14)

#### BUSINESS LICENSES

Presented to the Commission for their consideration were the following business license applications:

A) Dennis M. Bellm-K-D, Inc. - Presented was the application of Dennis M. Bellm of Cleveland to run a mail order gunsmithing business from his residence.

B) Sherilyn Willie - Presented was the application of Sherilyn Willie of Ferron to have an indian jewelry business subject to sales and manufacturing only at her residence.

Sheriff, Lamar Guymon expressed concern in the issuance of a business license to Sherilyn Willie. He noted that those parties previously issued business licenses are

assuming that this is authorization to sell indian jewelry along the interstate which is illegal. Therefore, he requested that licenses not be issued to them and that previous ones be refunded.

It was pointed out to Mr. Guymon and those in attendance that all recipients of the business license were given those guidelines for in-house occupation and it is for that use only as spelled out therein. Therefore, it was the consensus of the Commission that this did not represent major concern.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the licenses in accordance with the planning and zoning regulations under which they are issued. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

HALLIE LEMON

Mr. Hallie Lemon of Ferron came before the Commission expressing great concern in the summary of the Utah Central Completion Act. He noted that this anticipates \$145 million in cost, with 90% acquisition of private property. He strongly recommended County involvement in this matter. The Commission agreed that they would review the material and proceed accordingly.

(16)

COMMISSIONER'S REPORTS

Commissioner Dixie Thompson:

A) She pointed out that she has met with George Morris and the Forest Service. The County has officially withdrawn its appeal regarding predator control. She noted their concerns have been met and there would not be an increase in non-lethal methods implemented in the allotment plan each year.

B) She expressed concern as to the amount of musk thistle in the Electric Lake area. This needs to be of great concern to not only Emery County, but Sanpete County, UP&L and the Forest Service. She noted that they had gathered approximately one ton of thistle heads. The seeds will be getting down into the valley and is of major concern.

C) She pointed out the problem in Green River with the mosquitos. She noted the need to use overtime and make necessary budget adjustments to the Weed and Mosquito Department.

D) She has met with Governor Bangerter and has agreed to take action in regards to the bear problem. She has also discussed this with Mike Moretti and Wildlife Resources, noting the problems in East Carbon. The Governor agreed to help work on this. (17)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 9:13 p.m. was made by Commissioner Clyde Thompson, seconded by Commission Chairman Mark Justice and approved by all members present.

ComMin9-14-92

MINUTES OF THE MEETING  
OF THE BOARD OF EMERY COUNTY CANVASSERS  
HELD IN THE EMERY COUNTY COURTHOUSE

September 14, 1992

Those present were as follows: Clyde Thompson and Dixie Thompson; County Treasurer, JoAnn Behling; Clerk, Bruce C. Funk; Deputy Clerks, Julie Winn and Wendi Downard.

Commissioner Clyde Thompson convened the Board of Canvassers at 12:00 noon for the purpose of canvassing the Primary Election held September 8, 1992, as prescribed under the Utah Code with proper notice having been posted.

The election results following the canvass, including all corrections and absentee ballots are as per the attached sheets.

Whereupon, motion was made by Commissioner Clyde Thompson to accept the results of the official canvass as determined. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

The meeting adjourned at 12:??

ComMin9-16-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

September 16, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

#### COMMISSIONERS MINUTES

The minutes of the September 2, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the September 14, 1992, Board of Canvassers meeting to canvas the results of the September 8, 1992, Primary election were presented. Motion was made by Commissioner Clyde Thompson to approve the minutes and election results as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #923199 through and including #923373 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
95	Two Remote Video Recorders - Sheriff	9,200.00	Approved
96	Booking Camera for Green River- Sheriff	1,296.00	Approved
97	DTK Computer System, Hard Drive, Monitor, Mouse, etc., less trade - District/Circuit Court	1,570.00	Approved
98	U.S. Code Books - Attorney	1,562.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the warrant/check edit list for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission for their consideration the following items: A) Requisition for Temporary Part-time help in the Castle Dale Justice Court -She noted this is needed because of the present work back log. Mrs. Snowball suggested the wage of \$5.00 per hour be set, with the person hired working up to 20 hours per week. This is to continue through December 31, 1992. Judge Truman will adjust the hours down when the back log becomes caught up.

Commissioner Dixie Thompson asked that the Commission approve the requisition as requested. Commissioner Clyde Thompson suggested that help be hired in order to catch up and be reconsidered at the end of the period.

Commission Chairman Mark Justice noted that he would like an opportunity to discuss this more fully with Judge Truman, noting that his Clerk has just recently returned from vacation and determination needed to be made if the back log was created as a result. He also noted that the Green River court processes as many or more tickets with comparable staff and questioned whether possibly those persons required to perform community service through the Courts could be used in entering the tickets on the computer.

After further discussion, it was the consensus and recommendation of Commissioner Clyde Thompson that approval be given to Commission Chairman Mark Justice to evaluate the request and make a recommendation back to the Commission. It was agreed upon by all that this matter be tabled to allow additional time for review.

B) Road Department - Mrs. Snowball informed the Commission that an operator in the Road Department requires medical treatment that will cause him to be off the job for approximately six weeks. Therefore, Road Superintendent Rex Funk has made a request to hire a temporary person during that time period as the department is presently short handed. It was noted that a Commercial Driver's License is required with experience in driving various size trucks with and without trailers and other heavy equipment. Mrs. Snowball recommended beginning wage of \$7.19 per hour which is the lowest hourly rate in the department.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the request of Road Superintendent Rex Funk and authorize Personnel Director, Pat Snowball to begin the recruitment and hiring of a temporary employee to assist in the Road Department as requested. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

C) Treasurer's Office - Mrs. Snowball advised the Commission that Annette Allen who works in the Treasurer's Office was overlooked for a probationary increase. She was hired 6/20/91 and is eligible for a step increase.

Treasurer, JoAnn Behling has requested this to be retroactive to January 1992. She is currently at a Grade 6, Step A and would go to a Grade 6, Step B.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the probationary increase for Annette Allen in the Treasurer's office as requested. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(4)

#### UTAH ASSOCIATED MUNICIPAL POWER SYSTEM (UAMPS) INTEREST IN HUNTER POWER PLANT #2 - RESOLUTION 9-16-92

Mr. Bill Peters came before the Commission requesting consideration and adoption of a Resolution authorizing the execution and delivery of various documents in connection with the transfer of title to an undivided ownership interest in Hunter Steam Electric Generating Unit No. 2 and related properties to Utah Associated Municipal Power Systems (UAMPS), including a Termination and Discharge Agreement among the County, Deseret Generations & Transmission Co-operative (Deseret) and UAMPS, a consent by the County to Amendment Agreement No. 3 among PacifiCorp, Deseret and UAMPS to Ownership and Management Agreement between Utah Power and Light Company and Deseret and an Agreement to Pay Fees in Lieu of Ad Valorem Property Taxes Between County and UAMPS and providing for related matters.

Mr. Peters continued in that the efforts made are in the best interest of the County to protect the payments in lieu of taxes as well as protect the County should Deseret Generating and Transmission go into default. It also provides protection through UAMPS to the other municipal agents making up that group. He further reviewed the history and purchase of part of unit 2 in 1982 by 21 municipalities. He noted that a deed was held in escrow at First Security Bank and all documentation has been reviewed by bond counsel Chapman & Cutler. He further noted that he feels comfortable and recommended adoption of the Resolution to the Commission.

County Attorney, Patricia Geary inquired as to the necessary need for attorney signatures for each of the municipalities. Pointed out to her was that this requirement was only to the benefit of the membership of the associated municipal system group. Therefore, this would not jeopardize the County. She recommended that the Commission go ahead and approve the Resolution and sign the documents as presented.

Whereupon, Commission Chairman Mark Justice introduced the Resolution. Motion was made by Commissioner Dixie Thompson to adopt Resolution 9-16-92 as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### BIDS FOR COUNTY OWNED PROPERTY IN ORANGEVILLE

The Commission has received two bids on property owned by Emery County and located in Orangeville. This is pursuant to a previous request by an interested party to purchase the property. This having been properly noticed up and advertised in the Emery County Progress. The two bids at this time were opened and read. The first bid was from Merrill W. Cox of Provo, Utah, in the amount of \$1,655.00. The second bid was from John Vaughn of Huntington, Utah, in the amount of \$2,000.00.

Assessor, James Fauver inquired of the Commission if they knew what the minimum appraised value was for the property. It consisting of 27.04 acres. He then obtained from his files a low valuation of \$5,400.00. He noted to the Commission that after sale of the property, the new owners would increase the value by any improvements made. The property would presently be assessed at a minimum value of \$5,400.00.

Motion was made by Commissioner Dixie Thompson to accept the bid of \$2,000 from John Vaughn of Huntington, Utah, who is the apparent high bidder. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

#### FUNDING OF BOOK BINDING

Recorder, Ina Lee Magnuson advised the Commission that her old books are now requiring binding after microfilming. The binding companies only come to this State every two to three years and will be here this Fall. The cost would be \$7,175 to bind the books. She has been advised by the County Auditor that funds may be available through the uncompensated absence fund.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the expenditure and binding of the books at a cost of \$7,175 with those costs to be taken out of the uncompensated absence fund. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(7)

#### DISCUSSION OF OIL AND GAS VALUATION COOPERATION AND POOLING RESOURCES

This matter was placed on the agenda. However, it was suggested that this matter be table for discussion after an upcoming meeting with the State Tax Commission on their method used in the valuation of oil and gas properties.

(8)

#### TRAVEL SIGN CONTRACT

Commission Chairman Mark Justice indicated he placed this item on the agenda. However, at this time, no contract has been received. Therefore, no action would be taken by the Commission at this time.

(9)

#### COUNTY AUCTION

Commission Chairman Mark Justice advised those present that the County Auction has been set for October 3, 1992, at 10:00 a.m. and asked that any department having surplus equipment make the necessary preparation for disposal at that time.

Sheriff, Lamar Guymon indicated they have approximately 10 vehicles for disposal at the sale.

(10)

#### REPORT ON THE D.A.R.E. PROGRAM

Sheriff, Lamar Guymon reported on the progress of the D.A.R.E. program in the County. D.A.R.E. stands for Drug Awareness Resistance Education. He advised the Commission that the following deputies have been trained and are teaching in various schools throughout the County on a one day per week, 17 week program. Those involved are: Doug Downard, Leslie Wilberg and Martin Wilson.

Responding to a question on the School District's participation, the Sheriff indicated that the School District has not assisted in the pamphlets and other support as originally indicated. Training for the deputies was provided under a grant. Also responding to a question as to the effect with officers and students, Sheriff Guymon talked of the position response from both the students and the deputies and the improved relationship and understanding there. He noted that each officer does two schools.

(11)

#### COMMISSION DISCUSSION AND REPORTS

Commission Chairman Mark Justice suggested that in the future, time be set aside on the Commission agenda to review upcoming events and meetings. He recognized that each Commissioner has different responsibilities and that by such calendaring it could be better determined who would attend meetings, etc.

Therefore, possibly eliminating any duplicated effort and conflicts with assignments being made. This is in an effort to help the overall communication of the Commission.

Commissioner Clyde Thompson:

1. He reviewed the visit with the Forest Service and the receding in the swell area. He questioned whether a contract on the power line on Horn Mountain had gone through Commission meeting.



Commissioner Dixie Thompson:

1. She reviewed the successful State Fair display from Emery County. The County received a second place and also the award for the most beautiful.
2. She reviewed the progress on the Land Use Steering Committee.
3. She reviewed meetings with the Division of Oil, Gas and Mining and the effect of coal mining on water and springs. She also reviewed the ownership on the water that is taken out of the portal. She suggested that a committee be formed to address the problem.
4. Also discussed was the urgent need to reinstate the Spring Bear Hunt because of increased population and need for predator control.

Commission Chairman Mark Justice:

1. He encouraged participation this weekend in the Green River Melon Days Celebration.
2. In regards to the contract awarded in the previous Commission meeting to Mike Mathie for construction of a two car garage at the Emery County Nursing Home. He has received inquiries as to whether Mr. Mathie was licensed and insured. Commissioner Justice indicated that he has checked and Mr. Mathie is properly licensed and as far as the insurance, it will be taken care of.

(12)

#### CLOSURE OF BOARD OF EQUALIZATION

Assessor, James Fauver requested of the Commission that they close the Board of Equalization and approve the adjustments made therein. Whereupon, motion was made by Commissioner Clyde Thompson to close the Board of Equalization and approve the adjusted market value and other adjustments as made. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

#### REJECTION OF LOW BID ON BUCKHORN ROAD

Mr. Craig Johansen of Johansen and Tuttle Engineering came before the Commission. He noted that in September, bids were received on the Buckhorn Road wherein Minchie Digging was the apparent low bidder. They have received a letter from Minchie Digging who has requested that their bid be withdrawn. It was Mr. Johansen's recommendation that the Commission accept the request and reject the low bid and award the bid to the second low bidder of Nielsen Construction in the amount of \$330,462.00.

Whereupon, motion was made by Commissioner Dixie Thompson to reject the low bid of Minchie Digging as requested by them and accept the second low bid from Nielsen Construction in the amount of \$330,462.00 and sign the Notice of Award. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(14)

#### ROAD DEPARTMENT FAS PROJECT

Mr. Craig Johansen of Johansen and Tuttle Engineering on behalf of Road Superintendent Rex Funk who is out of the County attending Road Department Seminars, made a request to advertise and proceed with a FAS road project. FAS standing for Federal Aid to Secondary roads. This would run from Lawrence to U-10. Mr. Johansen indicated that first a public hearing needs to be advertised to receive public input on the spending of funds on the road and those improvements to be made on it. His request of the Commission was that the public hearing be set for the second Commission meeting in October. He will prepare the necessary advertisement.

Whereupon, it was the consensus of the Commission that a public hearing be set for October 21, 1992, at 9:00 a.m. for public input on a FAS road project from Lawrence to U-10 and authorize Johansen and Tuttle to prepare the necessary notices for publication.

#### (15) ATTORNEY'S BUSINESS

County Attorney, Patricia Geary reviewed with those present the pending litigation with the Office of Surface Mining. Wherein, they have cited mining companies for violation on coal haul roads. She noted the success in that the violations to the mines have been dismissed.

(16)

#### EXECUTIVE SESSION

Motion was made by Commissioner Clyde Thompson as a Commission to go into executive session at 11:00 a.m. to discuss three matters of pending litigation. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Those present during portions of the Executive Session were: Commissioners Mark Justice, Clyde Thompson, Dixie Thompson; Attorney, Patricia Geary; Clerk, Bruce Funk; Assessor, James Fauver; Sheriff, Lamar Guymon; Mr. Bill Peters; and Eckhart Prawitt.

The regular Commission meeting reconvened at 12:32 p.m. with all members present.

(17)

#### REJECTION OF PACIFICORP TAX SETTLEMENT OFFER

Motion was made by Commissioner Clyde Thompson to reject PacifiCorp's offer of settlement as to valuation of properties in Emery County and to take whatever action is deemed necessary to pursue 100% of the State assessed value of the facilities and properties. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(18)

## MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:34 p.m. was made by Commissioner Clyde Thompson, seconded by Commission Chairman Mark Justice and approved by all members present.

ComMin10-7-92

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS HELD IN THE EMERY COUNTY COURTHOUSE

October 7, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; Deputy County Attorney, David Blackwell; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commissioner Clyde Thompson.

(1)

#### PUBLIC HEARING - AMEND FRONTAGE REQUIREMENTS FOR BUILDING PERMIT IN A-1 AGRICULTURAL ZONE

Commission Chairman Mark Justice opened the Public Hearing at 6:05 p.m. The purpose of the public hearing was to receive public comments to amend frontage requirements for a building permit in the A-1 Agricultural Zone. Planning and Zoning Director, Bryant Anderson read aloud the proposed resolution. Whereupon, Commission Chairman Mark Justice asked if there were any comments from the public.

There being no comments or questions from the public, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to close the public hearing at 6:08 p.m. Motion was approved by all members present.

(2)

#### COMMISSIONERS MINUTES

The minutes of the September 16, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was approved by all members present.

(3)

AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #923389 through and including #923611 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
99	Zoom lens for Microfilm reader/copier - Microfilm	515.00	Approved
100	Two Mobile Radios - Road	928.00	Approved
101	Telephones - Nursing Home	3,700.00	Approved
102	Door Alarm System - Nursing Home	4,300.00	Approved
103	Wheelchairs/Geri Chairs - Nursing Home	2,000.00	Approved
104	Miscellaneous - Nursing Home	3,500.00	Approved
105	Freezer & two toasters - Nursing Home	1,200.00	Approved

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson to approve the warrants for payment and the requisitions for purchase. Motion was approved by all members present.

(4)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Economic Development - Presented was the Personnel Action Form for Ann Curtis to work as an Office Specialist in the Economic Development/Planning & Zoning office. This is to replace Lorale Platero. The position is for up to 20 hours per week at a Grade 6, Step A with no benefits.

B) Road Department - Presented was the Personnel Action Form for Roy Brewer to work as a temporary employee in the Road Department. The position will go from October 7 to December 31, working approximately 60 days. There are no benefits.

C) Justice Court - Presented was a Personnel Requisitions Form for the Justice Court to hire a temporary clerical worker for approximately 60 days. The person hired would work 40 hours per week at \$5.00 per hour with no benefits.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the Personnel Action Forms for Ann Curtis and Roy Brewer and the Personnel Requisition Form for the Justice Court as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

#### REQUEST FOR EMERY COUNTY SUPPORT OF YOUTH CITY COUNCIL MEMBERSHIP

Commission Chairman Mark Justice read a request received from Barbara McKell. Mrs. McKell is requesting the Commission for support of the Youth City Council and to help fund the annual membership in the amount of \$50.00. The Youth City Council is a State Organization. After discussion by the Commission, motion was made by Commissioner Dixie Thompson to support this group this year with the funds being taken out of the Dues and Contributions budget. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

#### RESOLUTION 10-7-92 - SUPPORTING NATIONAL RED RIBBON WEEK

Commission Secretary Leslie Bolinder presented to the Commission Resolution 10-7-92. The Resolution shows Emery County's support of National Red Ribbon Week October 18 to 24. Mrs. Bolinder informed the Commission that the County will be showing it support by placing red ribbons on the doors of the courthouse. She also indicated that all County employees will be given a red ribbon to wear that week also.

Commission Chairman Mark Justice indicated this is a significant effort Nation wide and that Emery County is proud to support this cause. Whereupon, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to support National Red Ribbon Week and Resolution 10-7-92. Motion was approved by all members present.

(7)

#### REQUEST FROM SAN RAFAEL JR. HIGH FOR FUNDING TO PURCHASE NEW VOLLEYBALL EQUIPMENT

Commission Chairman Mark Justice informed the Commission that the County has received a request from San Rafael Jr. High for funding to purchase new volleyball equipment. Commissioner Justice indicated that one year ago Emery County bought for both Jr. High's in the County some new equipment. However, this year we do not have the money in the recreation budget for the same support.

Whereupon, it was the consensus of the Commission to consider this request at budget time.

(8)

#### DISCUSSION TO PLACE TOURISM SIGN ON I-70 TO PROMOTE EMERY COUNTY

Commission Chairman Mark Justice opened a discussion regarding placing a tourism sign on I-70. He indicated that Sevier County has a sign on I-70 which is on private property. Sevier County has offered to let Emery County use the back of the sign to try to promote Emery County. He indicated that on the high side it would cost \$10,000 for said sign. He requested comments from those in attendance regarding the sign. He also indicated that the Chamber of Commerce and the Travel Council have offered their support to help fund the sign.

Commissioner Clyde Thompson informed those present that funding on I-70 is restricted by UDOT. This is a good opportunity and maybe the only chance we have for a sign since it is on private property.

Michael Cox asked if there were any monies in the budget for this. Commission Chairman Mark Justice indicated there is approximately \$3,500 in the Economic Development budget that could be used for the sign. Commissioner Justice indicated this will need to be a joint effort between Emery County and others in order to be able to finance the sign.

Kent Petersen indicate he felt it is a good idea and that the County needs a sign on I-70.

Economic Development Director, Bryant Anderson informed those present that \$10,000 is not a lot of money for a sign.

Dean Behling offered Ferron City's support in this project.

Brad Johnson offered property for the County to place a sign.

Commissioner Clyde Thompson made a motion to allow the County to pursue this matter further. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commissioner Dixie Thompson asked those present if the Travel Council has placed brochures at the rest stop on I-70 to help promote the County.

(9)

#### REAPPOINTMENT OF MEMBERS TO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT BOARD

Commission Chairman Mark Justice indicated he has received a letter from the Castle Valley Special Service District indicating there are two vacancies on their board. Whereupon, motion was made by Commissioner Clyde Thompson to reappoint Eugene Johansen and Paul Crawford to the Castle Valley Special Service District Board. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. Deputy County Attorney, David A. Blackwell informed the Commission that he would do a Resolution regarding this matter for signature at their next Commission meeting.

(10)

#### DISCUSSION REGARDING OVER-POPULATION OF BEAR IN EMERY COUNTY

Commissioner Dixie Thompson informed those present that she had addressed this issue to the Commission at almost every Commission meeting since the Wildlife Board meeting on August 13 in Richfield. She indicated she did not get the support at the last Commission meeting she was seeking. Therefore, she has asked several people in the County who have contact her who have deep interest in this issue. She has done this to let the Commission know this is not something that she only is after, but it is something that many of our County citizens are concerned about. They would like the Commission to support this issue by writing an appeal. It does not go through any judicial review. You write a letter of appeal to the Wildlife Board. They then will reconvene. They will then decide whether they want to make a motion to readdress this Spring Bear Hunt issue, which is what we would like them to do. This is simply to bring the Spring Bear Hunt issue back to the Board for review. She indicated she has addressed one board member, Jody Williams and she has agreed it would be something that they would like to readdress. If we follow these procedures, Max Adams of Uintah County will also address Paul Stringham who represents his County in Vernal as soon as he gets back and tell him of our concerns. These two people were the ones who made the motion and the second to eliminate the Spring Bear Hunt.

Commissioner Dixie Thompson informed the Commission that she has asked a few people to come and speak regarding this issue. She indicated she does not feel this serves one special interest group, but it serves many people throughout the County. It serves livestock owners, citizens who recreate in the National Forests and hunters. It is something that involves a lot of people.

She indicated the DWR suggested the Spring Bear Hunt not be eliminated and that the number of permits issued increase 9% over last year. This article appeared in the Sun Advocate on September 29 before the Elk hunt. It was trying to warn hunters that there is a bear problem. We have had many within the County. Above Fairview we have had three bears in the area with 83 head of sheep killed in the past three months. This

information is from ADC. She read a letter from Miles Moretti from DWR dated August 24. In the letter, it indicated there have been several incidents within the last two weeks. The first was at Grassy Reservoir. A bear had been cited twice and a camp of boy scouts had their tent wrecked and food taken. In the letter, DWR indicated they have attempted to trap the Bear. Miles Moretti informed those present that the bear has now been trapped. Commissioner Thompson went on to indicate from the letter that a female bear and two cubs came down in the Range Creek area. Another female and her cubs had come down into the city of East Carbon. She indicated that Bears usually have a fear of humans. When there gets to be an overpopulation they seem to lose this fear and the bears have been coming to the edge of town and eating fruit which has fallen to the ground.

Commissioner Dixie Thompson indicated that in talking with people in our County that this is a problem not only in East Carbon, but the city of Green River has had bears come down into the area after the melons. There is a small outcry from the environmentalists saying that there are not enough bears and that the DWR does not have an accurate count. She indicated she would like to address some of these issues. She indicated the environmentalists have indicated DWR has used different methods to determine the population, including observation, trend, damage reports, den studies, radio tracking, x ratio and aging analysis as well as harvest data. She indicated DWR is quite expertise in their area of scientific data, so we feel it is something that the wildlife board should have recognized instead of emotional issues that were given at this meeting.

It was also addressed that the regular hunting season is necessary to provide the hunters the opportunity to harvest the desired quota. When you have a small hunting time it is difficult to get the bears. They are not an easy catch. What the hunters are saying is that we would like this right besides just the trappers in the state to be able to take the bears that become a problem.

She indicated that more people have been killed or mauled by lions and bears in the last five years than all of the rest of the previous 100 years. We can see this because of the increase in bear that we have.

She then asked Brad Johnson, who is supporting this issue. He invited the Wildlife Board to have their meeting in Richfield. He is also sponsoring legislation to address much of these issues.

Brad Johnson - He addressed the Commission and indicated he has deep feelings about our predator situation in Utah. He indicated he feels the environmental community is trying to eliminate our lifestyle. This includes hunting, livestock raising and the things that we hold dear and near to our hearts. He feels one of the way they are trying to do this is to eliminate the control of predators. He informed the Commission that there are about 3500 to 4000 cougar in the State right now. They will eat about one deer per week. That is over 200,000 deer. We are hitting a few on the highway and killing a few with the hunts. The deer just cannot recover from the high predator population. In order for man to exist and enjoy this area, you have to control the predators. We need to stand up



and be counted on the predator issue. The bear and cougar issues are related issues. The other predators needing to be addressed are the coyotes and bobcats, etc. Out of 93 elk on fish lake forest that were radio collared, three were killed by lions last year. We have got to withstand this movement. He feels we need to change the wildlife board.

At this time, Commission Chairman Mark Justice informed those present that this is the first time this Commission has had opportunity to discuss and make any decision about Emery County's involvement in this issue. Commissioner Dixie Thompson has indicated that she has discussed this item with us since August. Spring Bear Hunt Discussion, cont.  
...

This item has not been on our agenda at any previous meeting. The reason it came to our attention is that the County Attorney informed us that the Commission had never taken any action on any appeal. Whether that appeal is a legal process that needs to go through the Attorney's office or whether that appeal is something that the Commission can file directly, this Commission has never discussed this item at all. The only discussion we have had is when the County Attorney brought this to our attention at our last meeting and it was pointed out that one of our Commissioners had wanted to file this appeal. The County Attorney then suggested a course of action with two options. The first option was to back up and let the County Attorney take care of the appeal or number two run it through the Commission meeting and get a consensus of what the Commission wanted to do.

Commissioner Justice then informed those present that this Commission is very supportive of the farming and ranching communities in Emery County and have been on record of being supportive of that. The issue that needs to be decided tonight is what involvement the County, as a political entity, wants to have in this issue. If we want to be the group that files the appeal. That has nothing to do with the merits of the bear hunt. He indicated he is not opposed to restricting bear hunting or to doing whatever we can to control predators and their population so that they don't have an adverse affect on ranching, on the cattle and sheep.

Commission Chairman Mark Justice indicated the Commission is already convinced that we need to limit den numbers. The issue we need to decide as a Commission is whether we want to become involved in the issue and be the group that does the appeal.

Cory Vetere - He informed the Commission that the County does have a problem. In the last 10 years there have been bear come into the valley. He feels the County needs to take a stand against the Anti's. They won't listen to the sportsmen or the livestock men. He feels the Commission may have a different position with them and this issue. We do have a problem and we need to think of it realistically.

Kern Behling - This has been a losing battle. The sportsmen and livestock men need the help. He believes it is going to take Emery County Commissioners to get the ball rolling. He feels this needs the support of the Commission and Emery County could be the leader.

Jim Winnett - He addressed the Commission and indicated he is the State Director for Animal Damage Control in Utah. He then read a status report on losses reported to their office by their ADC specialists or fieldmen working in the County as well as on the Manti. There has been quite a depredation this summer. The report included the types of animals killed such as sheep, lambs, steers, etc., and the predators. He went over the losses in Price, Ferron and Sanpete Districts.

Belinda Peacock - She read a letter written by her husband to the Commission because he was unable to attend tonight's meeting. She also went over a statement Mr. Peacock presented at the Board Meeting which included several facts about the hunts and controlling the predators. Mr. Peacock requested support of the Commission for the Spring Bear Hunt.

Jason Branson - He addressed the Commission and indicated that if Emery County was the leader to get something started, he doesn't feel there is a County in Utah that wouldn't back us. We need to get the ball rolling and get it rolling now. The County has the backing of the citizens and if there is anything that can be done, he encouraged the Commission to do it.

Ray Nielsen - He strongly recommended the Commission to take a good look at this and see where they want to stand on this issue. He feels an appeal is one of the better ways to go. He would like to see the Spring Bear Hunt brought back. He feels it should be managed.

Hallie Lemon - He informed the Commission that he appreciates the proactive stand they have taken in regard to land issues and wildlife issues.

Clark Stokes - He feels we need to take a stand now.

Sam Raby - He started a group called Sportsman for Quality Wildlife. The reason the group was started was to be able to get people politically action and know what is going on so we can make some good decisions and make recommendations of wildlife. Our group is 300 strong in Carbon and Emery County. We also have people in the Salt Lake and Sanpete areas. We do not want to lose our hunting rights. There are a lot of problems with the bear. We can manage these animals without destroying their existence. They don't become extinct because of man. They become extinct because a lack of management. We put \$500 million into this State every year from taxes on gun sales, fishing equipment, licenses, etc. We want to have a piece of the action. We want what is fair. We do not want to see ADC taking those animals when we can take them as sportsman. Guy Webster - We are asking you to make this a political issue. We want to save the sport and livestock industry.

Jay Mark Humphrey - The Commission has the power to make the change. They will listen to the Commission when they won't listen to us.

Dean Behling - We do not want to eliminate any of the species of wildlife, we want to manage it. He urged the Commission to support those at the meeting tonight and DWR and their efforts to manage.

Commissioner Dixie Thompson indicated that three weeks ago she asked that the Commission support her in this issue. We have had three weeks behind us which we could have had the Wildlife Board called back together. She made a motion that the Commission support this appeal and that we get this work done so that we can bring this Wildlife Board back together and get this Spring Bear Hunt issue readdressed.

Commissioner Clyde Thompson asked Miles Moretti what the chances are of getting the Wildlife Board back together. Commission Chairman Mark Justice asked Mr. Moretti to inform those present how the Wildlife Board is formed and their length of terms.

Miles Moretti from the Division of Wildlife Resources informed those present that the Wildlife Board is a citizen Board appointed by the Governor. There are five Districts throughout the State. Their terms are four years. They determine all the policies and set all the seasons for big game, waterfowl, fishing, cougar, bear, etc. The only stipulation on them is that no more than three of the people can be in the majority party that the governor is in. He indicated that in March, three of the five Board members' terms will be up. Two of the members voted contrary to how this group wanted them to vote. He informed those present that unless you put a lot of pressure on the Wildlife Board to reconsider their decision, it is going to be difficult to make that change now. When you should make is through the new governor to make sure there are good representatives from the different areas of the State. Anyone can be appointed to the Wildlife Board. Anyone can nominate a person.

After further discussion, Commissioner Dixie Thompson again made a motion that the Commission support this appeal to be written on behalf of drawing the Wildlife Board back together to rethink the Spring Bear Hunt and readdress the issue. Because this does not go through any judicial review, she suggested that the Commission just go ahead and write the appeal. It is a simple process and is not lengthy. It is just a matter of giving some information and asking them to reconvene. After it is written, then run it by the Attorney's office. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

#### DISCUSSION OF CLEVELAND AND ELMO STATUS REGARDING NATURAL GAS SERVICE

Commission Chairman Mark Justice addressed the issue regarding Cleveland and Elmo's position with Mt. Fuel. Motion was made by Commissioner Clyde Thompson to support Cleveland and Elmo's request that the public service commission review Mt. Fuel's position regarding natural gas service to their area in the form of a letter. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

## COMMISSIONERS REPORTS

Commissioner Clyde Thompson:

1. He indicated that there is a statue being made of John Wesley Powell which will be placed in the museum in Green River.

2. There is an experiment being done on the Geyser where a camera is going to be placed down inside of it to see what is stopping it.

Commissioner Mark Justice:

1. He made a review of the Justice Court boundaries and the number of cases each precinct has had since the boundaries were established earlier this year. She indicated Judge Truman has informed her that his case load has nearly doubled. Judge Burns has indicated her case load has dropped by approximately one-third.

2. He indicated the part-time position requisitioned for earlier in the meeting for the Justice Court would also be for seasonal help during June, July, August and September and that person would be used in both courts.

3. He indicated Colleen Evridge has been in contact with her asking County support for fund raisers for the museum. Mrs. Evridge suggested the County to support concerts with any proceeds being used to reimburse the County and then the balance going to the museum. However, it was suggested that the concerts be held in Price. It was the consensus of the Commission that the County not support concerts which would be held in Price.

Commissioner Dixie Thompson:

1. She discussed the problem of the Spruce Beetle on Ferron Mountain. She also discussed the Musk Thistle.

2. She indicated the libraries have received a \$5,000 grant. This will be used to plant the libraries in Cleveland and Elmo next Spring.

3. She discussed the Commissioners workshop she attended recently.

4. She discussed the Mosquito Abatement meeting she also recently attended. She indicated she would like to place articles in the paper to allow the people in the County to understand the mosquito problem.

(13)

## COMMISSION DISCUSSION REGARDING COMMUNICATION

Commission Chairman Mark Justice discussed with the Commission how they can have better communication to avoid the confrontation they were faced with tonight with the Spring Bear Hunt issue. He indicated that this item was not placed on any agenda since the August meeting in Richfield regarding this matter. He requested that the Commission needs to be unitedly informed and to be an open Commission. He indicated that if an item is not placed on the agenda, the Commission cannot take any action.

(14)

### DEAN BEHLING - CIB GRANT FOR GOLF COURSE

Ferron City Council Member, Dean Behling came before the Commission to discuss the CIB grant that Ferron City recently applied for. The CIB indicated that Ferron City will need to come up with part of the money first. He indicated that Ferron City was asked to come with \$371,000 which is impossible for them. He indicated they can get a loan, but will need help with the annual payments. He requested County support in the amount of \$10,000 per year to help make the loan payments. Ferron City will also try to go back before the CIB to get more of the money requested. He indicated they will not give up on this.

Commission Chairman Mark Justice indicated that the Golf Course does benefit the County and is an economic asset. The County cannot commit for an "x" number of years. However, this could go through the budget process and possibly be approved for one year.

(15)

### DARRELL WILCOX - WATER IN EMERY COUNTY

Darrell Wilcox came before the Commission to discuss the hydrology in Emery County. He requested that the County look into the problem of water in the County to make sure it is not be contaminated, etc.

Commission Chairman Mark Justice informed Mr. Wilcox that they are in the process of putting together a Water Board and invited him to their next meeting.

(16)

### MEETING ADJOURNMENT

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to adjourn the meeting at 8:35 p.m. Motion was approved by all members present.

ATTEST

CHAIRMAN

ComMin10-21-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

October 21, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

COMMISSIONERS MINUTES

The minutes of the October 7, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #923616 through and including #923833 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
106	Teleconcept Telephone - Road	250.00	Approved
107	Spotting Scope - Weed	160.00	Approved

Motion was made by Commissioner Clyde Thompson to approve all warrants for payment and requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

## EMERY WATER CONSERVANCY DISTRICT - REPEATER INSTALLATION AT HORN MOUNTAIN

Mr. J. Mark Humphrey, on behalf of the Emery Water Conservancy District, came before the Commission requesting permission to install their communication repeater at the Emery County Horn Mountain facility. He noted that he has reviewed this with Bret Mills, of the Emery County Communication Department.

Commission Chairman Mark Justice noted that by memorandum received from Mr. Mills there are some concerns that need to be addressed in any agreement. The Water Conservancy District needs to pay their share of the electric power to which Mr. Humphrey responded that would be no problem. Also requested was that maintenance be done through Bret Mills, in that he be advised of those performing the maintenance and when. Mr. Humphrey indicated that he anticipated that they would be hiring Mr. Mills directly under a private agreement to do maintenance at the site.

In conclusion, Commissioner Justice indicated that any agreement done included any stipulations which the County Attorney's office might have. County Attorney, Patricia Geary recommended an interlocal agreement be prepared to include these concerns. It was recommended that the agreement be for a ten-year period.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the installation of a repeater at the Emery County Horn Mountain facility by the Emery Water Conservancy District and that an agreement be prepared by the Attorney's office outlining said recommendations. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(4)

### BUSINESS LICENSE

Presented to the Commission was the Application for Business License for Debora L. Oveson for a Beauty Salon and Barber Shop business in Cleveland. Motion was made by Commissioner Clyde Thompson to approve the business license for Debora Oveson as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

### LEE STOKES REQUEST - CLEVELAND LLOYD DINOSAUR QUARRY BOOK

Commissioner Dixie Thompson advised the Commission that she has been contacted by Lee Stokes who had been greatly involved with the Cleveland Lloyd Dinosaur Quarry and that he would like to write a book. His request of the Commission was for \$500. Commissioner Thompson indicated that she has not had an opportunity to discuss with Auditor Karen Truman where funds might be available. However, she made a motion that the Commission put Mr. Stokes request in the 1993 budget requests for consideration at that time. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(6)

RESOLUTION 10-21-92 - CASTLE VALLEY SPECIAL SERVICE DISTRICT  
BOARD APPOINTMENTS

County Attorney, Patricia Geary presented to the Commission for their consideration Resolution 10-21-92. Wherein, the Resolution reappoints Eugene Johansen and Paul Crawford to the Castle Valley Special District Administrative Control Board. This reappointment having previously been approved by the Commission in their regular meeting on October 7, 1992. These are four-year terms each. The present terms will expire on December 31, 1992. The new terms will begin January 1, 1993. Motion was made by Commissioner Dixie Thompson to approve Resolution 10-21-92 as presented. Motion was seconded Commissioner Clyde Thompson and approved by all members present.

(7)

APPROVAL OF TRAVEL SIGN CONTRACT

Commission Chairman Mark Justice indicated that at the present time the contract is not available to the Commission. Therefore, this would be given further consideration at the next Commission meeting.

(8)

STATE FAIR COUNTY BOOTH - REIMBURSEMENT FOR EXPENSES

Commissioner Dixie Thompson recalled Emery County's booth at the Utah State Fair in which it received \$150 in prize money for the most beautiful display. It was her suggestion and motion that this money be divided between Bonnie Swenson and Sharon Pollahne. Motion was seconded by Commissioner Clyde Thompson provided that it could be split only if legally possible. County Attorney Patricia Geary questioned the splitting of those funds. She recommended that as an alternative the Commission pay those volunteers for their expenses.

Commission Chairman Mark Justice recommended that the volunteers be paid for their expenses, to which Commissioner Clyde Thompson also concurred. After further discussion, it was the consensus of the Commission and agreed upon by Commissioner Dixie Thompson to amend her motion that the County cover the expenses of Bonnie Swenson and Sharon Pollahne in preparation and displaying of the Emery County booth at the Utah State Fair. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

The funds are to be taken from those monies budgeted for the State Fair Display.

(9)

WASATCH HUMANE SOCIETY



It was noted to the Commission that this was placed on the agenda. However, there was no one present at this time to discuss this matter. Therefore, no action was taken.

(10)

#### BILL ORTON - NATIONAL CONSERVATION AREA/WILDERNESS PROPOSAL

Commissioner Dixie Thompson inquired of the Commission if they had received the information sent to them from Congressman Bill Orton. Commissioner Clyde Thompson indicated that he had been informed through a telephone conversation. Commissioner Dixie Thompson pointed out that in Mr. Orton's proposal, not one inch of land in Emery County would be put into wilderness. However, certain prescribed areas would become a National Conservancy area. This is a multi-use designation which would allow for a greater input by local government. It was noted that this was a result of communications with Mr. Orton, in that the areas excluded definitely do not meet wilderness criteria. It would not close existing roads nor would it encourage development of new roads. There would be provided greater recreation development and provide for mineral resource development. It would be easier to put through congress with a united effort on the part of the Utah delegation.

Commissioner Clyde Thompson went on to point out the acreage being considered is 1,264,000 acres designated as part of the National Wilderness System within the boundaries of parks, monuments and recreation areas. Within those boundaries there are approximately 90,000 acres of state and private lands which would be exchanged and included in the wilderness designation. This would designate as wilderness within Utah a total of 1,354,000 acres. He further proposed 1,176,000 acres currently under BLM management to be designated for inclusion into the wilderness preservation system. There are 80,000 acres of Utah State school trust lands which at the option of the State of Utah should be exchanged and included into the wilderness designation. The remaining acreage in the 1.9 million acre BLM wilderness recommendation be given the designation of National Conservation areas. These would be divided into three separate areas. He pointed out the road set backs in wilderness and conservation areas would allow for any eventual improvements to roads. Also reviewed was that rivers and streams with upstream appropriated water rights running through wilderness area will be automatically set back to the historic high water mark.

Provided to the Commission was a summary of this and other areas of the proposed bill.

County Attorney, Patricia Geary noted that this was the result of a cooperative effort on behalf of the Commission and herself in meeting with Bill Orton. She commended the Commission for their continued efforts.

Economic Development Director, Bryant Anderson noted from his attendance at the meeting that management would be under local control of the BLM. Whereas, with proposed wilderness, it would be by the National government in Washington, DC.

Commission Chairman Mark Justice commended Mr. Orton in that he has responded to the opinion of his constituents and credits taking this action before election time. He noted that Utah needs a united delegation to represent such a proposal back in Washington. Others in attendance also expressing support were Ina Lee Magnuson, Kent Petersen and Seretia Snow.

(11)

#### WILDLAND FIRE FUND

Commission Chairman Mark Justice informed those present that he has attended meetings wherein the Wildland Fire Fund has been discussed. The State has contacted the Utah Association of Counties in an effort to create a reserve fire fund for use on private property outside cities wherein fire costs have exceeded \$50,000. Commission Chairman Mark Justice pointed out that his concern is in that the cost to Emery County would be approximately \$17,000. This is based on acreage and valuation and that he has expressed his reservations in participating. He noted that Emery County has one of the finest fire districts in the State with the number of volunteers, the type of equipment and the training which they have.

Commissioner Dixie Thompson noted that Emery County does not have that much private land that is burnable. Therefore, the losses to the County would be minimal. However, it was suggested in the meetings she has attended that there is a need to support the creation of the fund and these concerns will be addressed.

Commissioner Clyde Thompson indicated he approved the concept, but asked that consideration be given by the local fire district to go before the impact board for any additional equipment such as might be required.

After further discussion, motion was made by Commissioner Clyde Thompson to approve the concept of a state wildland fire fund and that further consideration only be given after a final proposal has been formulated. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### EMERY COUNTY COMPREHENSIVE LAND USE PLANNING

Commissioner Dixie Thompson updated the Commission in regards to the County Comprehensive Land Planning. She noted that it is anticipated that Emery County planning, together with Uintah and Carbon will be started next Spring. She discussed the processes and the need to establish committees prior to that time.

Commissioner Clyde Thompson noted that the Association of Governments is going to the legislature for monies planning and anticipated hiring one person on a continuing basis to upgrade and maintain the plans.

Economic Development Director, Bryant Anderson expressed concern about the AOG taking on a full-time planning person and recommended rather that they provide a consultant to local planning and zoning. He recommended that we keep what we can on a County level.

(13)

#### COUNTY GIFT TO THE ANNUAL UAC CONVENTION

Discussed was the request received from the Utah Association of Counties for a County gift for presentation at the annual UAC Convention in St. George, Utah, in November. This gift is to have a minimum value of \$50. Typically in the past, it has represented something unique to the area. It was the consensus of the Commission that they would take recommendations as to possible gifts for consideration at the next Commission meeting.

#### (14) COLLEEN EVRIDGE - JOB SERVICE REPORT - EMERY COUNTY BROCHURE - REQUEST TO HELP FUND COUNTY CONCERTS

Colleen Evridge, from the Castle Dale Job Service, came before the Commission to address three items.

1) Job Service Update - She noted since July 1, 1992, they have placed 175 persons. It was noted that placement is slow at the present time. They now have 52 people in school, four on job training, they have contracted with the schools in providing placement and establish vocational standards. These standards eventually would go down to the seventh grade.

2) Brochure for Emery County - She is presently putting together a brochure for Emery County which includes a map of Utah, together with a map of Emery County. It will provide a place for post cards. She indicated her hope is to acquire additional funding. She discussed a need to make information as to activities going on available to those visiting the area, particularly during the time of the Emery County Fair and pageant. She discussed the need to keep the visitors occupied and informed of activities. The need to have closer cooperation and communication between the Chamber of Commerce, the Museum and Economic Development. She then discussed the Carbon-Emery Film Commission in which she is the chairperson. She noted that they have had the first movie done in the Price-Helper area. She has also received interest in filming in the San Rafael area. A Carbon County Commissioner has asked that she make a request to the Carbon County Commission for support in the amount of \$2,000. It was their recommendation that she solicit the same amount from Emery County.

However, Commissioner Dixie Thompson indicated that Emery County does not have the same infrastructure. Therefore, would not get the same return on our \$2,000 investment as Carbon County would.

Commission Chairman Mark Justice requested that such a request be submitted to the Commission for consideration at budget time. They complimented her and the film commission on their efforts.

Commissioner Dixie Thompson recommended that the film commission, in making their request of the Emery County Commission consider possibly making that amount in \$1,000.

3) Interest in Bringing Concerts to Emery County - She noted that we have an outstanding auditorium and she would like to see Western and Lite Rock concerts which are compatible with the ethics of the community in our area. She requested use of the Fair monies for the concerts. The revenues would be put back into the budget for use at the time of County Fair. However, it was pointed out to Mrs. Evridge that Fair monies could not be reused because revenues go back into the general fund. A new budget would have to be created.

Commission Chairman Mark Justice pointed out that just as she was concerned as to financial risk in securing concerts, consideration needed to be given as to whether the County also would be responsible for that same type of risks.

(15)

ADJOURN REGULAR MEETING FOR EXECUTIVE SESSION

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to adjourn to Executive Session at 10:43 a.m. Motion was approved by all members present.

Discussed were matters of pending litigation. No action was required at this time.

Regular Commission Meeting reconvened at 11:06 a.m. with all members present.

(16)

BLIND AND VETERANS EXEMPTION Emery County Deputy Auditor, Charlane Luke presented to the Commission for their approval the blind and veterans exemption. Whereupon, motion was made by Commissioner Clyde Thompson to approve the list of those persons to receive the Blind or Veterans Exemption as presented. Motion seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

MEETING ADJOURNMENT

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to adjourn at 11:08 a.m. Motion was approved by all members present.

ATTEST

CHAIRMAN

ComMin11-4-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

November 4, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

PUBLIC HEARING - ALLOWING GOLF DRIVING RANGES TO BE BUILT IN A-1 ZONES

Commission Chairman Mark Justice invited Economic Development Director, Bryant Anderson to acquaint those in attendance with the purpose of the public hearing. Mr. Anderson indicated that within the present zoning ordinances, an A-1 classification allows for golf courses, but did not specifically address golf driving ranges. He further noted that there are persons interested in investing in such a range. Their request was that they wanted to be assured that they were allowed to construct such a facility. Therefore, the Planning and Zoning Commission has reviewed and submitted a recommendation to the Commission. Therefore, it was Mr. Anderson's request that the Commission consider adding golf driving ranges to the A-1 classification.

Commission Chairman Mark Justice inquired if there were any questions or comments from the public about the proposed change. There being none, motion was made by Commissioner Dixie Thompson to accept the proposed addition to the zoning ordinances allowing for golf driving ranges in the A-1 classification. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

Whereupon, the Commission closed the public hearing at 6:04 p.m. and reconvened the regular Commission meeting.

(2)

COMMISSIONERS MINUTES

The minutes of the October 21, 1992, Commission meeting were reviewed. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie

Thompson to approve the minutes as presented. Motion was approved by all members present.

(3)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #923834 through and including #924011 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
108	Desk shelf - Extension	150.00	Approved
109	Window coverings - Nursing Home	11,000.00	Approved
110	NordicTrack exercise equipment - Sheriff	599.95	Approved
111	Back support belts - Insurance	109.85	Approved
112	Six emergency light systems - Road	2,514.00	Approved
113	Light bar - Road	459.99	Approved
114	Computer key board - Justice Court	132.00	Approved
115	Ski equipment - Sheriff	1,768.00	Approved

Motion was made by Commissioner Clyde Thompson to approve the warrant/check edit list, the additional claims and disposition and approve the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

As to the claim for insurance from the Utah Association of Counties, by motion of Commissioner Dixie Thompson that it be referred to Pat Snowball for clarification and that it be paid subject to Mrs. Snowball's approval. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(4)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Russell Nelson Retirement-Road Department - Mrs. Snowball informed the Commission that Russell Nelson has notified the Road Department of his intention to retire on December 31, 1992. Therefore, presented to the Commission was a requisition to hire an Operator II effective January 4, 1993. This will be at an entry level of 10-A or \$8.85 per hour.

B) Sheriff's Office-Job Description Review and Re-evaluation - Mrs. Snowball advised the Commission that at the request of Emery County Sheriff Lamar Guymon, that the job description of the Dispatch Coordinator does not effectively reflect the supervisory duties of that position. Sheriff Guymon has requested that it be reviewed and re-evaluated. Currently it is valued at a Grade 13. Mrs. Snowball indicated that upon review, both by herself and Mike Swallow they recommend that it be at a Grade 14. This would effect Bliss Mead. In such a reclassification, he would assume no shift work but would be a regular 40 hours per week. Presently he is at a Grade 13-K. He would be for approximately 3 three weeks until completion of training at a 14-J and it would be their recommendation that upon completion of that training he be moved to a 14-K.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the requisition for hiring of an Operator II in the Road Department and the reclassification and re-evaluation of a Grade 14 to the Dispatch Coordinator in the Sheriff's office. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

#### TENTATIVE 1993 BUDGET

Auditor, Karen Truman presented to the Commission for their review the 1993 tentative budget. She further noted that this reflects the actual requests of all departments in that the total revenue and expenditure budget would be \$11,160,979.00. She further noted that it is not possible at this point to meet the requests of each department. She noted that she has altered the current year taxes to \$6,825,614.00. This budget is far beyond our statutory limit and is approximately \$4,000,000 more than the previous year's. Therefore, it was noted that cuts in the budgets would be approximately \$4,000,000.

She noted the creation of the Central Purchasing and this budget reflects major equipment purchases from both the Road Department and Sheriff's Department. Corresponding reductions were made in those two departments.

The E-911 revenues and expenditures is anticipated to be at \$62,785; RSVP, \$63,133; Economic Development, \$334,193; Capital Projects, \$500,000; Internal Service Fund, \$720,766; Transient Room Tax, \$10,000; Library, \$492,858. It was noted that the library was the same as the previous year.

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(6)

#### PROPOSED CHANGES IN THE SICK LEAVE POLICY

Personnel Director, Pat Snowball introduced Carol Ware, Jerilyn Mathis and Don Morlan who serve on the County Employee Committee. They reviewed the request of the Commission in that the Employees Committee review the present County Sick Leave Policy. They have previously prepared a draft. That draft was reviewed and amended by the elected officials and department heads. Therefore, it was presented to the Commission now for their consideration.

Carol Ware reviewed Section C suggesting that the Commission possibly consider further evaluation as to the cost. Commissioner Clyde Thompson also suggested that actual costs be determined so that they can be included in the budget. However, he commended the employees committee and those involved in coming forth with such a sick leave policy. It was noted by all that it was an improvement and benefit by both the employees, the County and to those elected officials and department heads.

Commission Chairman Mark Justice agreed with Commissioner Clyde Thompson's comments, with the recommendation that it be considered at a later Commission meeting for implementation January 1, 1993. Therefore, no action would be taken at this time.

(7)

#### WASATCH HUMANE

Sherrie Martinez, with Wasatch Humane came before the Commission to discuss the animal services in Emery County. She noted that she has visited the County animal shelter. She indicated it is not in terrible condition, but there needs to be some assistance in bringing it up to a standard. She has met with Emery County Animal Control Officer Martin Wilson.

She noted Emery County has the following problems: 1) It is very cold at approximately 58 degrees in the shelter. The puppies and cats were shivering. There is no way for the animals to get off the cement floor. It appeared that some of them bordered with pneumonia. 2) There appeared to be five to seven days of feces. 3) No litter boxes for the cats. 4) The feet and legs of the kittens fall through the metal grates on the floor. Many of them are hanging on the dishes. 5) The Shelter has poor hours. Those being from 9:00 a.m. to Noon. It is impossible for the one caretaker to be there. It was



suggested there be a part-time person to handle the care. 6) The animal control officer knew nothing about cats and their needs. 7) There is no formal adoption agreements, fees, neuterization, etc. 8) The animal control officer lacks training in being able to recognize stress. She indicated the officer was willing to learn. It was further noted that Wasatch Humane would provide training and catalogs outlining equipment. Their office would be able to provide litter boxes, straw and some cleaning equipment and make further recommendations. The outside animal drops need boxes, straw, etc., to keep the animals from freezing.

Questions asked of Ms. Martinez from Emery County Assessor Jim Fauver was how this facility compares to other pounds, particularly Carbon County and if this was a State organization.

Ms. Martinez responded in that she has not reviewed Carbon County's and that Wasatch Humane is a private organization, one of some 30 in the State of Utah. Their intention is simply to assist in bringing facilities up to some standard.

(8)  
SERVICE AGREEMENT FOR A LIGHT AT THE EMERY COUNTY NURSING HOME

Commission Chairman Mark Justice discussed with the Commission an Agreement presented to him by Utah Power and Light whereas the Emery County Nursing Home has requested installation of an outside light for the garage. This being a service agreement, anticipated cost would be \$10 per month. Commissioner Clyde Thompson inquired if it wouldn't be cheaper to connect the light to the Nursing Home's power. It was his recommendation and agreement by the Commission that Commission Chairman Mark Justice investigate further. However, Commissioner Clyde Thompson's motion would include the approval of the agreement if it is determined by Mr. Justice that it would be the best feasible way. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)  
COUNTY GIFT FOR THE ANNUAL UAC CONVENTION

Commission Secretary Leslie Bolinder reviewed with the Commission in that she has requested input from other elected officials as to possible County gifts at the annual UAC convention in St. George, Utah. She further noted she has received only one suggestion, that from Ina Lee Magnuson. Mrs. Magnuson suggested a quilt from Etova Snow. Previously suggested were an overnight stay at the Heritage Inn in Ferron and golf passes. Also recommended was a book of the San Rafael area be provided along with the gift.

Discussed was the possibility of the Bed and Breakfast facility in Green River operated by Ben Coomer. Therefore, it was the consensus of the Commission that they would proceed with the Emery County gift consisting of the overnight stay at the Heritage Inn in

Ferron, golf passes and a book on the San Rafael area. As an alternate, the Green River stay, golf passes and book.

(10)

#### EMPLOYEE RECOGNITION

Commission Secretary Leslie Bolinder reviewed with the Commission the need to recognize the Emery County employees for the dedication and effort they render in service to the residents of Emery County. It was her recommendation that the Commission purchase a 10 to 12 pound turkey for each employee, including those part-time. The cost to the County would be approximately \$1,500.

Commissioner Dixie Thompson made a motion to support Leslie Bolinder's recommendation with the addition by Commission Chairman Mark Justice that local stores be contacted or that the purchase be divided up or that gift certificates be used. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

After discussion, Commission Chairman Mark Justice recommended that the Commission also include as a modest bonus a jacket with the Emery County-type of logo. This would be provided to all County employees in appreciation of the extra effort and a way of saying "thank you". This would also be an advertisement for the County. Assessor, James Fauver also reviewed recommendations that he had received.

After further discussion by those present, motion was made by Commissioner Clyde Thompson to proceed with the jackets rather than the turkeys previously approved and that employee's family members be able to purchase additional jackets at cost. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Methods of funding the jackets or budgets which the monies could be taken out of were discussed.

(11)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She reported on her meetings with Gray Reynolds, Regional State Forest Supervisor. She noted that the National Forest is not taking care of the noxious weeds and Congress is not supplying sufficient monies for control of weeds. She discussed the recent collections of noxious weed seeds in the Electric Lake area. She noted the Forest Service did not assist. It appears the Forest Service is spending their man power and money in shutting down roads. She discussed that she is trying to get additional support from Utah's Congressional people.

Commission Chairman Mark Justice:

1. He discussed upcoming meetings with the Public Service Commission in the efforts for Cleveland and Elmo to receive natural gas.
2. He further noted that Emery Town will be going before the Community Impact Board requesting money for a TV and radio communication tower.
3. He has met with the Co-op people in order to resolve the water and sewer problems, noting that they are also working with David Ariotti of the Health Department and will submit proposals to him.

Commissioner Clyde Thompson:

1. He reviewed his meetings on the District Advisory Council of the BLM. He noted their meetings on Monday and Tuesday. He presented a request that the Emery County Commission by letter support the Cisco to Oray road. This being in Grand and Uintah counties and that this be submitted to the BLM.
2. As to the Central Utah Project in which the president has signed and the Division of Wildlife Resources has requested a letter of support from the Commission. This would be used to rebuild small dams in our mountains. If some of these dams are not rebuilt, they will have to be breached. He further proposed a letter of support to this agency. However, Commissioner Dixie Thompson expressed concern in that appropriated was \$146 million and she does not support the buying of private lands.

However, it was pointed out that the funds are available and such a letter would be to support the use on dams. It was further recommended that a letter be provided in support of the Cisco to Oray road and secondly that a letter be submitted of Commissioner Dixie Thompson's appointment to the Board where she could give better input and address those concerns by the County in use of those funds. This was the consensus of all Commissioners.

(12)

#### TAX ISSUES

Treasurer, JoAnn Behling presented the following tax issues for Commission consideration:

- A) Mary Jewkes - It was noted she had not filed for the veterans and widow exemption. She has, therefore, paid the taxes in the amount of \$159.25. But she has asked the Commission to consider a later application.
- B) Huntington City - They purchased a piece of property last April and the taxes due are \$80.60. They have asked for abatement on this matter.

These were also recommended by Treasurer, JoAnn Behling. Therefore, motion was made by Commissioner Dixie Thompson to go ahead with the recommendation on the Mary Jewkes and Huntington City requests. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

A third item was also presented for Commission consideration of the subdivision owned by Fred and Ruth Cox. The Cox's were to have been present at this time. However, Assessor, James Fauver reviewed how the properties became delinquent and the request of the Cox's that they would like the property completely abated. However, Mr. Fauver felt the value for the three years back taxes be valued at agricultural irrigated property. This would have a taxable value of \$535 per year. However, it was the recommendation of Recorder, Ina Lee Magnuson and others present that the owners vacate the property. Commission Chairman Mark Justice expressed concern in that similar properties throughout the County must be given the same consideration. The Commission expressed concern in that they were not comfortable in the prior years. It was, therefore, the consensus and recommendation of the Commission that this item be tabled and reviewed further with the Cox's with the recommendation that they consider vacating the properties and this not be given any Commission action at this time.

(13)

ADJOURN TO EXECUTIVE SESSION

Motion was made by Commissioner Clyde Thompson to adjourn into Executive Session at 8:09 p.m. to discuss pending litigation. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Those present during the executive session were: Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; Clerk, Bruce Funk; and Commission Secretary Leslie Bolinder.

The regular Commission meeting reconvened at 9:16 p.m.

(14)

MEETING ADJOURNMENT

Motion was made by Commissioner Dixie Thompson to adjourn the regular Commission meeting at 9:16 p.m. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin11-9-92

MINUTES OF THE MEETING

OF THE BOARD OF EMERY COUNTY CANVASSERS

HELD IN THE EMERY COUNTY COURTHOUSE

November 9, 1992

Those present were as follows: Commissioner Dixie Thompson; County Treasurer, JoAnn Behling; Assessor, James Fauver; Clerk, Bruce C. Funk; Deputy Clerks, Julie Winn and Wendi Downard.

Commissioner Dixie Thompson convened the Board of Canvassers at 12:00 noon for the purpose of canvassing the General Election held November 3, 1992, as prescribed under the Utah Code with proper notice having been posted.

The election results following the canvass, including all corrections and absentee ballots are as per the attached sheets.

Whereupon, motion was made by Commissioner Dixie Thompson to accept the results of the official canvass as determined. Motion was seconded by Treasurer, JoAnn Behling and approved by all members present.

The meeting adjourned at 1:10 p.m.

ATTEST

CHAIRMAN

ComMin11-18-92

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

November 18, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

#### COMMISSIONERS MINUTES

The minutes of the November 4, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

Presented were the minutes of the Board of Emery County Canvassers held November 9, 1992. Said minutes cover the canvass of the November 3, 1992, General Election. Motion was made by Commissioner Clyde Thompson and seconded Commissioner Dixie Thompson to approve the minutes as presented. Motion was approved by all members present.

(2)

#### BLM - SAN RAFAEL CAMPGROUND

Penny Smalley of the BLM Office introduced Kathy Stilson, Receptionist; Paula Kelly, Range Conservationist; and Tom Gnojik, Recreation Director. Penny Smalley advised the Commission that their purpose in being before them today was a proposed agreement on the community campground on the San Rafael River area. They would like to replace the signs and do some grooming. They would like to get gravel from the County.

Road Superintendent Rex Funk responded in that the Road Department would be happy to assist. Tom Gnojik indicated it would require approximately 1,000 ton of road base to improve the sites. It was discussed that the road base would be placed both on the roads and the pads. Also discussed was volunteer help in improving the areas.

The Commission concluded the discussion by expressing appreciation for those being in attendance from the BLM office. The Commission indicated the County would be happy to assist in whatever way they could in providing road base to improve the sites.

(3)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #924020 through and including #924271 for payment. Discussed was one request from the Museum Board. Wherein, they have requested the balance of those funds which the County had previously budgeted to cover utility costs.

Motion was made by Commissioner Dixie Thompson that in as much as those monies have been budgeted, that the balance of those funds be paid to the Museum Board for completion of the display area of the Museum. Commissioner-elect Kent Petersen also solicited Commission support, although he did recognize that those funds were specifically earmarked for payment of utilities, outlining what those funds would be used for.

Therefore, this motion died for lack of a second. However, it was recommended by the Commission that this claim be denied and that the Museum Board in their 1993 budget request submit any requests for funds in addition to utilities.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
116	Cellular Phone - Attorney	399.00	Approved
117	Facility Entrance	6,000.00	Approved
118	Personal Computer - Auditor	1,500.00	Approved
120	Quatro Pro learning cassette program - Data Processing	145.00	Approved
121	Reznor waste oil heater - Road	2,250.00	Approved
122	Laser printer - Assessor	1,000.00	Approved
123	Okidata Fax Machine - Assessor	1,695.00	Approved
124	Notebook computer - Assessor	1,600.00	Approved

Whereupon, motion was made by Commissioner Clyde Thompson to approve the payment of the warrants and approve the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Also presented was the claim for registration in the amount of \$95.00 for Commissioner-elect Kent Petersen who attended the UAC meetings in St. George. Motion was made by Commissioner Dixie Thompson to pay the registration for Commissioner-elect Kent Petersen as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(4)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items:

A) Road Department-Ricky Blackburn - Presented was the name of Ricky Blackburn to be hired as an Operator II in the Road Department at a Grade 10, Step A. Mr. Blackburn has been a temporary employee with the Road Department since June 1992. Effective date is January 4, 1993.

B) Road Department-S. Kay Jensen - Presented was a status change request for S. Kay Jensen in the Road Department from a Crew Leader at a Grade 14, Step M to an Operator II at a Grade 10, Step S. Effective date is October 26, 1992.

C) Justice Court-Natalie Blackwell - Presented was the name of Natalie Blackwell to be hired as a temporary employee in the Justice Court working until December 31, 1992. This is a non-classified position. Effective date is November 16, 1992.

D) Resolution 11-18-92 - Presented was Resolution 11-18-92 which amends the Class Specification for Dispatch Coordinator, Sheriff's Office in the Emery County Personnel Policy to reflect the greater supervisory responsibilities of that position. Revaluation of the position justifies a change from a Grade 13 to a Grade 14.

Commissioner Clyde Thompson made a motion to approve Resolution 11-18-92 changing the Class Specification of a Dispatch Coordinator, Sheriff's Office as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

E) Sheriff's Office-Shon Roper - Shon Roper of the Sheriff's Office has completed his POST training and therefore, it was requested that he be reclassified from a Dispatcher at a Grade 10 to a Patrol Deputy II at a Grade 12.

Whereupon, motion was by Commissioner Dixie Thompson to approve the Personnel Actions as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(5)

#### FRED AND RUTH COX - CONSIDERATION OF A TAX REASSESSMENT ON SUBDIVISION

Ruth and Fred Cox came before the Commission to discuss their subdivision in the Orangeville area. They noted that Orangeville City will not release them from a subdivision. Orangeville City Council Member, Bart Cox reviewed that the original subdivision was platted in 1979 and the City had a policy to place liens on those lots until the completion thereof. The City presently has liens on five of those lots and they cannot vacate because of other lots owned by other property owners and the need for the City to provide access to them. He further discussed that the City cannot abandon the lots, but they could be replatted to accommodate those other owners.

However, Recorder, Ina Lee Magnuson indicated that the subdivision would have to be vacated before any replatting, etc., could be done.

Assessor, James Fauver came forth with a proposal. He noted what he had done in other subdivisions which were undeveloped, he would set a tax of \$230 to \$250 based on its undeveloped value for the entire parcel. It was noted the Cox's are three year's behind and it was recommended it be made retroactive. This was acceptable to the Cox's. However, this was based on a formula and Mr. Fauver indicated he would come up with



an exact dollar value for the Commission to abate. That value would be given to the Treasurer. Whereupon, motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to make the adjustment as recommended by Assessor, James Fauver and in accordance with Utah Law. Motion was approved by all members present.

(6)  
OUTREACH PROGRAM

This item being on the agenda. However, no one was present at this time to discuss this matter.

(7)  
DISCUSSION OF PACIFICORP/UP&L PURCHASE OF DG&T INTEREST IN UNIT II

It was noted that this item was placed on the agenda. However, no one was present at this time to discuss this matter. It was noted that there was not any anticipated negative effect on such a purchase.

(8)  
APPOINTMENT OF COUNTY LIAISON TO THE COMPREHENSIVE PLANNING COMMITTEE

Commission Chairman Mark Justice recognized Economic Development Director, Bryant Anderson and Planning and Zoning Chairman, Tracy Jeffs. It was his recommendation that the Commissioner over the Planning and Zoning be the liaison between Emery County and the Comprehensive Planning Committee and that the Commission be the lead agency. This was concurred by all of the Commissioners and set forth by motion of Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson. Motion was approved by all members present.

(9)  
COMMISSIONERS REPORTS

Commission Chairman Mark Justice:

1) He indicated Emery Town has been before the CIB. They were successful in obtaining \$160,000 grant to update the communication, officer paging and radio transmission for Emery Town. Also discussed was the County's additional \$60,000 for upgrading the television. Craig Johansen of Johansen and Tuttle Engineering noted that he was getting ready for bids on the building.

Commissioner Clyde Thompson:

1) He discussed his trip into the Bookcliff area and the proposed highway. He discussed the benefit to those people from Grand County and Colorado, providing shorter access into areas such as Yellowstone and other locals to the North. However, he had concerns in certain portions and the proposed 200 foot right-of-ways.

(10)

#### SHERIFF'S BUSINESS

Sheriff, Lamar Guymon reported that the E-911 is installed and they are now testing it. This will last approximately three weeks. It is expected that Huntington will be on line the first of the year with Green River coming on later in the year.

(11)

#### TREASURER'S BUSINESS

Treasurer, JoAnn Behling presented to the Commission a request from the Rural Child Development to abate taxes on property in Castle Dale amounting to \$264.74. Discussed was whether they qualified as a governmental agency. It was suggested that Bill Howell of the Southeastern Utah Association of Governments be contacted for clarification of the agency. It was therefore, Commissioner Dixie Thompson's motion to abate the taxes as requested subject to them being a qualified governmental agency. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

The second request presented was on behalf of Marty and Blair Larsen to enter into an agreement with the County for back taxes on their property in which they propose to pay to the County \$200 per month for 13 months. The first payment would be made November 1992 and would conclude with a payment in November 1993.

Commissioner Clyde Thompson recommended that the requesting party put a large portion down and then work on the balance. Motion was made by Commissioner Dixie Thompson to accept the \$200 per month payments starting November 1992 to Treasurer's Business, cont be paid in full by November 1993. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

#### ADJOURN TO EXECUTIVE SESSION

Motion was made by Commissioner Clyde Thompson at 11:36 a.m. to adjourn into executive session to discuss pending litigation. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

#### RECONVENE REGULAR COMMISSION MEETING

Commission Chairman Mark Justice at 12:51 p.m. reconvened the regular Commission meeting having discussed in executive session pending litigation.

(14) MEETING ADJOURNMENT

Motion was made by Commissioner Clyde Thompson to adjourn Commission meeting at 12:52 p.m. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

Comin11-18-92A

MINUTES OF THE PUBLIC HEARING ON THE  
TENTATIVE 1993 BUDGET

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

November 18, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; Clerk, Bruce C. Funk; and Deputy Clerk, Wendi Downard.

Commission Chairman Mark Justice opened the meeting for public comment at 1:05 p.m.

The Commission indicated the purpose of the meeting was to receive public input on each of the departmental budgets. Presented to those in attendance was the hearing schedule. Those persons in attendance to present budgets or give public comment at this time were as follows: Maughn Guymon, Jim Whear, Emery Jones, Sue Jones, Stan Truman, Patricia Geary, Bruce C. Funk, Karen Truman, Jerilyn Mathis, JoAnn Behling, Ina Lee Magnuson, Lamar Guymon, Jim Fauver, Kent Petersen, Rex Funk, Carol Ware, Kent Wilson, Grant Wilson, Leslie Bolinder, Pat Snowball, James Nielson, Bryant Anderson, Dennis Worwood, Dale Roper, Jerry Braun, Ross Huntington, Terry Rushton, Janet Maestas, Michelle Cornett, Sandra Jewkes, Carolyn Randall, Dean Behling and Darrel Leamaster.

The public hearing adjourned at 5:20 p.m.

ATTEST

CHAIRMAN

ComMin12-2-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 2, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Clerk, Bruce Funk.

(1)

COMMISSIONERS MINUTES

The minutes of the November 18, 1992, Commission meeting were reviewed and corrected. Also presented were the minutes from the November 18, 1992, Public Hearing on the Tentative 1993 Emery County General Revenue and Expenditure Budgets. Motion was made by Commissioner Clyde Thompson to approve the minutes of the regular meeting held on November 18, 1992, as corrected and also the minutes of the public hearing held on that same day as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #924272 through and including #924453 for payment.

Also presented to the Commission for their review and consideration was a claim for computer access to legislative information between Emery County and Capitol Hills Services. This in the amount of \$400 per each licensed user. Auditor, Karen Truman indicated that at the present time her computer was the only one set up to receive this and inquired if the Commission was desirous, that other computer stations be connected. However, it was the consensus of the Commission that only one computer station with the link to Capitol Hills Services is sufficient at this time.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
125	Radar units - Sheriff	5,980.00	Approved
126	Hewlett Packard Laser Jet Printer and Memory - District Court	1,860.24	Approved
127	Cannon/Xerox Copier - Road	10,000.00	Approved
128	Two Sony Transcriber/Dictator Machines - District Court	1,118.00	Approved
129	Ergonomic Chair - Assessor	189.00	Approved
130	Four Filing Cabinets - Sheriff	1,202.00	Approved
131	Rechannel Existing UHF Translators, Transmitting Antennas, etc., Communications	15,600.00	Approved
	Emery Project -		

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to approve the warrants for payment and the requisitions for purchase. The warrants to include one licenses user with Capitol Hills Services for computer access to legislative information. Motion was approved by all members present.

(3)

#### ATTORNEY'S BUSINESS

County Attorney, Patricia Geary, together with Personnel Director, Pat Snowball informed the Commission that during the Thanksgiving holidays Maleah Day worked in the Attorney's office. Ms. Geary also discussed with the Commission the need to have continued use of Ms. Day during the Christmas holidays. Therefore, she asked that the Commission ratify the hiring and use of her both during the Thanksgiving and upcoming Christmas holidays.

Motion was made by Commissioner Clyde Thompson to approve the temporary hiring of Maleah Day in the Attorney's office as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### CASTLE COUNTRY TRAVEL COUNCIL UPDATE

Mr. Vaughn Wayman, Director of the Castle Country Travel Council, together with his wife, Barbara, and Chairman of the Council, Dan Hunter, came before the Commission. Mr. Wayman discussed those things which the Travel Council is doing that are helpful to

Emery County. Discussed was the upcoming designation of Highway 31 in Huntington Canyon as a National Scenic Byway. It was noted this would begin at Huntington and Federal monies would be available for signing and possibly other improvements.

Also discussed was that the Governor's Conference in 1994 will be in the Castle Country area. They will provide numerous tours into sites in Emery County. Mr. Wayman also inquired of the Commission if they had seen the display at the Emery Rest Area. He indicated it looks nice.

Also discussed by Mr. Wayman was Emery County's participation in the Transient Room Tax. He noted that Grand County has built five new motels. Therefore, Revenues are down in the Emery County side of Green River. He asked that the Commission watch for a memo from the State Travel Council outlining approved uses of the Transient Room Tax.

He indicated that Californians make up the greatest percentage of those staying in some of the County Parks and recreation areas. He noted that in the Green River area, 19.9% of those who had stayed in the State park were from Utah, while 21% were from California and 12% from Colorado.

Mr. Wayman concluded by leaving a copy of his job description with the Commission.

Commissioner Dixie Thompson inquired as to the possibility of brochures at rest stops closest to the Freemont Junction. However, after discussion it was the consensus of the Commission and request of Mr. Wayman that he seek permission to secure an additional display area. Discussed was the Ivy Creek area.

Dan Hunter discussed the excellent job and representation done by Vaughn Wayman and his staff in meeting the needs of the Travel Council and Emery County.

The Commission complimented Mr. Hunter and Mr. Wayman for the service Emery County gets from the Travel Council.

(5)

#### CASTLE COUNTY TRAVEL COUNCIL BOARD APPOINTMENTS

Mr. Vaughn Wayman, Director of the Castle County Travel Council, presented the following names for Commission consideration for appointment to the Castle Country Travel Council: Dan Hunter of Huntington and Blaine Luke of Green River. Each of these will be reappointments. Mr. Wayman advised the Commission that Jeff Newland has resigned and has asked that his wife, Valerie Newland be considered in his position. These are all four year terms.

Whereupon, motion was made by Commissioner Clyde Thompson to reappoint Dan Hunter and Blaine Luke and appoint Valerie Newland all to the Castle Country Travel

Council for four-year terms. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

#### AMERICAN LEGION #3 - FLAG REPAIR

Sylvia Nelson from the American Legion #3 gave back to Emery County two flags which under a service project they have repaired and cleaned for the County. She noted that originally Courthouse custodian Dennis Fuller gave them 16 American flags and 5 Utah flags. Upon completion of the service project this would save the County anywhere from \$147 to \$252 to repair and clean the same by other vendors. The cost saved to the County over new replacements would be over \$1,000.

The Commission accepted the flags and expressed appreciation to Sylvia Nelson and the American Legion #3 for the service rendered on behalf of the County.

(7)

#### DISPOSAL OF WRECKED COUNTY-OWNED VEHICLE

Clerk, Bruce Funk together with Pat Snowball reviewed with the Commission the disposal of a Sheriff's department vehicle which was wrecked and was a total loss to the County. Therefore, the insurance company has made settlement to the County. The disposal was made with Rawlins Technical Services. Emery County received \$9,293.47 as settlement. Approval to dispose of the vehicle and acceptance of the \$9,293.47 or settlement was requested of the Commission. This includes the signing of the disposition of the fixed asset form. Whereupon, motion was made by Commissioner Clyde Thompson to approve the disposition of the vehicle and receipt of the monies as settlement as requested. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### PROPERTY TAX ABATEMENT

This item having been placed on the agenda. However, there was no one present or prepared to discuss this item. Therefore, no action was taken.

(9)

#### WINFORD C. BLUDWORTH, JR. - HIGHEST ELEVATION IN EMERY COUNTY

Commission Chairman Mark Justice reviewed with the Commission a letter they have received approximately one month ago from Mr. Winford C. Bludworth, Jr. Mr. Bludworth requested that the County identify a spot and place a plaque identifying that spot as the highest elevation in Emery County. Mr. Bludworth went on in his letter that this has been done throughout the State and it is partially in support of the Utah Centennial. He further recommended proper signing and trails to be included in travel brochures.

Sylvia Nelson suggested to the Commission that this be referred to Montell Seely who is head of the Centennial Committee. The Commission took the recommendation of Mrs. Nelson and provided her with a copy of the letter. They requested that Mrs. Nelson follow up with this and advise the Commission if their assistance is needed.

(10)

#### PURCHASING POLICY - BID PROCESS

Commission Chairman Mark Justice having placed this item on the agenda reviewed with those present how to better direct buying to local merchants. He suggested that when similar products can be purchased for similar prices, that the County should support local merchants. He further solicited comments from those department heads and elected officials present. Discussed was that this was the direction previously given by the Commission and in most cases efforts are being made to comply with that request.

(11)

#### A RESOLUTION TO PLACE OR ERECT AND MAINTAIN OFFICIAL AND/OR DIRECTIONAL SIGNS -RESOLUTION 12-2-92A

Commission Chairman Mark Justice presented to the Commission for their review Resolution 12-2-92A. Said Resolution is to place or erect and maintain official and/or directional signs promoting Emery County. He further stated that it is in the best interest of Emery County to authorize the placement and maintenance of such signs. Therefore, motion was made by Commissioner Clyde Thompson to approve Resolution 12-2-92A as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### COUNTY EMPLOYEE MERIT SYSTEM

Commission Chairman Mark Justice asked Personnel Director Pat Snowball to discuss concerns and problems with the present merit system. Mrs. Snowball indicated that it breaks down into two areas: 1) Do we have funding available to make the plan work? 2) Do we want to make it work and are the elected officials and department heads committed to go through the evaluation process? It was her recommendation that each year the funding would have to be assessed. If funding is available, department heads need to be advised so they can go through the evaluation process on each employee. Up to this point she indicated it really hasn't been allowed to work. There is employee frustration. She recognized there are employees who warrant an increase but have not been considered.

Dixie Swasey, who works in the County Assessor's office, noted that she can see both sides. With the present system there is no incentive and something needs to be done. According to the survey done by Mr. Mike Swallow, most employees anticipated a merit increase.



Road Superintendent Rex Funk, together with Sheriff, Lamar Guymon; Commissioner-elect Kent Petersen; Auditor, Karen Truman; Clerk, Bruce Funk; Recorder, Ina Lee Magnuson; and others expressed their point of view concluding with the possible creation of a group similar to the one looking at the sick leave policy. This group being made up of department heads, elected officials and employee representatives, giving all the opportunity for input. This was concurred by the Commission as a good suggestion to improve and see what could be done, if anything, to implement the employee merit system.

(13)

#### LIABILITY RISKS ON GMC VEHICLES

Pat Snowball advised the Commission that presently the County has four GMC vehicles which have possibly a high liability risk. This is due to unprotected fuel tanks along the sides. She expressed that there was not an anticipated recall in the near future. She has talked to companies in regards to a retrofit. These are bladder lined tanks. Another company talked of beefing up the area at approximately \$200 per vehicle.

However, her request of the County was to make effort at least to beef-up the vehicles. Commissioner Clyde Thompson suggested it might be cheaper and better to replace the gas tank. The vehicles in point are between the years of manufacture 1973 and 1987. Mrs. Snowball demonstrated through an audio/video a visual commentary as to what does happen to these vehicles in a collision situation.

After further discussion, it was the recommendation of Commissioner Dixie Thompson that she contact the insurance company and express these concerns with the risk management people seeking their recommendation.

(14)

#### ARTY EDMOND - PROPERTY TAX EXTENSION

Treasurer, JoAnn Behling introduced to the Commission Mr. Arty Edmond of St. George who has property in Green River. He has requested to make payments on that property and bring them up to date by November 1993. The balance due to Emery County the end of December 1992 is \$7,472.75. The Commission reviewed the past payment history.

Mr. Edmond presented to the Commission a proposal which he prepared which outlines the payments. Wherein, he will pay \$500 per month during the months of January through April and then \$900 per month from May through September. The final balance is to be paid in October 1993.

After further discussion, motion was made by Commissioner Dixie Thompson to approve the property tax extension and accept the proposed payment schedule presented by Mr. Edmond. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(15)

## DISCUSSION OF COST TO IMPLEMENT THE NEW SICK LEAVE POLICY

Auditor, Karen Truman advised the Commission that she has completed cost determination for implementing the recommended sick leave policy. It was her recommendation that the Commission move to establish an expendable trust fund to cover those costs. Those moneys would be transferred into that fund from the accumulative compensated absence fund balance.

Whereupon, motion was made by Commissioner Clyde Thompson to form the trust fund as suggested to cover the costs of the sick leave policy and that this be done prior to December 31. On December 31, that the Auditor transfer the balance of the funds in the compensated absent fund into the new trust fund and that a Resolution be prepared to establish the same. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

### A RESOLUTION AMENDING THE SICK LEAVE POLICY - RESOLUTION 12-2-92B

Personnel Director, Pat Snowball presented to the Commission for their consideration Resolution 12-2-92B. Said Resolution amends the Personnel Policy entitled "Fringe Benefits", amending the emergency leave, holiday leave, and sick leave. Whereupon, motion was made by Commissioner Dixie Thompson to accept Resolution 12-2-92B which amends the Emery County Personnel Policy as presented with an effective date of January 1, 1993. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(17)

### EXECUTIVE SESSION

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to adjourn to Executive Session at 7:34 p.m. to discuss pending litigation and personnel matters. Motion was approved by all members present.

Those present during Executive Session were Commissioners Clyde Thompson, Dixie Thompson, Mark Justice; County Attorney, Patricia Geary; Clerk, Bruce Funk; Deputy County Attorney, David A. Blackwell; Personnel Director, Pat Snowball; Commissioner-elect Kent Petersen; Road Superintendent Rex Funk; Sheriff, Lamar Guymon; and Commission Secretary Leslie Bolinder.

Regular Commission meeting reconvened at 8:13 p.m. with all parties present.

(18)

### MEETING ADJOURNMENT

Motion was made by Commissioner Clyde Thompson and seconded by Commissioner Dixie Thompson to adjourn the meeting at 8:14 p.m. Motion was approved by all members present.

ATTEST

CHAIRMAN

ComMin12-15-92

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 15, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by

(1)

PUBLIC HEARING - FAS EXPENDITURE ON EMERY COUNTY ROAD FAS #0334  
- LAWRENCE WESTERLY

(This minute entry was included as a separate Commission minute attachment -as follows.)

Comin12-15-92A

MINUTES OF THE PUBLIC HEARING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

December 15, 1992

Those present at the meeting were Commissioners Mark Justice, Clyde Thompson and Dixie Thompson; County Attorney, Patricia Geary; and Clerk, Bruce C. Funk.

Commission Chairman Mark Justice opened the Public Hearing at 9:00 a.m. to accept public comment concerning expenditures of FAS funds on Emery County Road FAS #0334, also known as the Lawrence Westerly Road.

Mr. Craig Johansen of Johansen and Tuttle Engineering, Engineers for this project, noted that the Federal Government requires a public hearing and explanation to the public as to the participation of the Federal Government and the County in the funding of such a project. Also, for public awareness and support. Mr. Johansen continued wherein he outlined the project is to redo an existing road, FAS #0334 known as the Lawrence Westerly Road. The road is from Highway U-10 to Lawrence. He noted that in the middle there is considerable upheaval due to frost. This is for a distance of approximately 3,000 feet in which they will cut and over-excavate. They will replace the material with a granular compacted material. After which it would be asphalted. Then an asphalt overlay would be placed over the remaining roadway which would be approximately 1.9 miles. The estimated cost would be \$445,200. The County's portion includes the preliminary engineering, the environmental impact statement and the pavement study. This being required before federal participation. The split to the Federal Government 93.2% and to the County is 6.8%. Of the total, \$393,350 would be provided by the Federal Government and the County would require an expenditure of \$54,850. It was noted that it be required of the County that this be budgeted.

Mr. Johansen continued in that the archeological study had been completed in 1990. A scoping meeting with the Utah Department of Transportation has also been completed in 1990. Also, a design report was completed at that time. The project did not begin because funding had not be appropriated by the County.

Commission Chairman Mark Justice opened the meeting for further comments. He inquired if there were any questions for the engineer in regards to the project. There being no comment, Commission Chairman Mark Justice closed the public hearing at 9:12 a.m.

(2)  
COMMISSIONERS MINUTES

The minutes of the December 2, 1992, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Clyde Thompson to approve the minutes as corrected. Motion was approved by all members present.

(3)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #924456 through and including #924648 for payment.

Also presented to the Commission were the following requisitions for purchase:

Req. #	Item and Description	Amount	Action
132	Two Douglas voting booths - Elections	696.30	Approved
133	35mm Camera - Assessor	240.00	Approved
134	Epson Dot Matrix Printer - Auditor	969.30	Approved

Motion was made by Commissioner Clyde Thompson to approve the Warrant/Check Edit List for payment and all requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### APPRECIATION TO OUTGOING COMMISSIONER CLYDE THOMPSON

Commission Secretary Leslie Bolinder, on behalf of the Commission, presented to outgoing Commissioner Clyde Thompson a cake and plaque recognizing him for his outstanding contributions in his service to Emery County. Commissioner Thompson has served as Commissioner from 1985 through 1992.

(5)

#### APPROVAL OF RESOLUTION 12-15-92A - ADOPTING THE 1993 BUDGET FOR EMERY COUNTY GENERAL FUND, E-911 FUND, ECONOMIC DEVELOPMENT FUND AND THE LIBRARY FUND

Auditor, Karen Truman presented Resolution 12-15-92A to the Commission for their consideration. Said Resolution is the 1993 General Revenue and Expenditure Budget. Total revenues amounted to \$9,128,750 with expenditures in the same amount. It includes the revenue and expenditures as follows: Emergency E-911 of \$62,785; RSVP of \$58,766; Economic Development of \$128,244; Library of \$574,093; Capital Projects of \$500,000 and Internal Service Funds of \$720,766. Mrs. Truman further advised the Commission that this budget as presented includes a 3% cost of living increase for elected officials, appointed officials, department heads, full-time and part-time employees of the County. She further advised the Commission that this budget represents no tax increase.

Whereupon, motion was made by Commissioner Clyde Thompson to adopt the proposed budget and Resolution 12-15-92A as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

CASTLE VALLEY SPECIAL SERVICE DISTRICT - PRESENTATION OF 1993  
GENERAL REVENUE AND EXPENDITURE BUDGET

Darrell Leamaster, Administrator of the Castle Valley Special Service District reviewed with the Commission the proposed 1993 Revenue and Expenditure Budgets for the Castle Valley Special Service District. He noted that these are the same as reviewed in the public hearing held previously with the exception of Capital Projects in which two projects have been added. One being for the development of an additional spring in Huntington Canyon. This is in conjunction with Cypress Plateau. This having added about \$30,000 to the previously reviewed budget. The second project was the addition of a raw water line to the Orangeville Treatment Plant. This also amounting to an additional \$30,000. The budget also includes a 3% increase for employees. He further noted this does require a slight tax increase from the tax rate of .000725% to a proposed .000748%.

Commission Chairman Mark Justice inquired if there was any public comment or questions to the proposed 1993 Castle Valley Special Service District General Revenue and Expenditure budgets. Commissioner Dixie Thompson inquired as to any analysis of the water coming out of the Plateau Mine and hydrology studies.

Mr. Leamaster responded in that the problem has been extensively studied both by Plateau and a consultant has been hired by Castle Valley Special Service District. The proposed project of developing a new spring would alleviate the problem of contaminates in the water source. He further noted that Cypress Plateau under the name Castle Valley Special Service District will apply to the Community Impact Board for funding of a storage facility. Plateau will put in any required matching funds.

The Castle Valley Special Service District General Fund total was \$1,204,200. Capital Projects was \$1,432,750 and Debt Service \$2,361,800.

Whereupon, motion was made by Commissioner Clyde Thompson to adopt and approve the proposed 1993 General Revenue and Expenditure Budget for the Castle Valley Special Service District as presented. Motion as seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

RESOLUTION TO ESTABLISH AN INTEREST BEARING EXPENDABLE TRUST  
FUND FOR CUMULATIVE COMPENSATED ABSENCES - RESOLUTION 12-15-  
92B

Auditor, Karen Truman presented to the Commission for their consideration Resolution 12-15-92B. Said Resolution is to establish an interest-bearing expendable trust fund for cumulative compensated absences. The fund is necessary to cover possible County expenses created by payments to County employees as they terminate and/or retire.

Mrs. Truman continued in reading the Resolution in its entirety to the Commission. Said fund shall be established by using funds currently in the General Fund. Said fund continues to be funded by annually budgeting at least \$25,000 per year in the General Fund to be paid into the trust fund. The Emery County governing body is authorized to increase the fund to an amount equal to 50% of the County's maximum liability for cumulative compensated absences and maintain it at that level. It was noted that any funds expended during one fiscal year shall be replaced in the following year's budget.

Whereupon, motion was made by Commissioner Dixie Thompson to approve and authorize Resolution 12-15-92B as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(8)  
1993 COMMISSION MEETING SCHEDULE

Clerk, Bruce Funk presented the 1993 Commission Meeting Schedule as follows. The meetings will be held the first Wednesday of each month at 6:00 p.m. and the third Wednesday of each month at 9:00 a.m.

January 6, 1993        6:00 p.m.  
January 20, 1993      9:00 a.m.

February 3, 1993     6:00 p.m.  
February 17, 1993    9:00 a.m.

March 3, 1993 6:00 p.m.  
March 17, 1993      9:00 a.m.

April 7, 1993 6:00 p.m.  
April 21, 1993 9:00 a.m.

May 5, 1993 6:00 p.m.  
May 19, 1993 9:00 a.m.

June 2, 1993 6:00 p.m.  
June 16, 1993 9:00 a.m.

July 7, 1993 6:00 p.m.  
July 21, 1993 9:00 a.m.

August 4, 1993        6:00 p.m.  
August 18, 1993      9:00 a.m.

September 1, 1993    6:00 p.m.

September 15, 1993	9:00 a.m.
October 6, 1993	6:00 p.m.
October 20, 1993	9:00 a.m.
November 3, 1993	6:00 p.m.
November 17, 1993	9:00 a.m.
December 1, 1993	6:00 p.m.
December 15, 1993	9:00 a.m.

Motion was made by Commissioner Dixie Thompson to approve the 1993 Commission Meeting Schedule as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(9)  
 1993 EMERY COUNTY HOLIDAY SCHEDULE

Clerk, Bruce Funk presented to the Commission for their approval the proposed 1993 Emery County Holiday schedule as follows. This is for a total of 11-1/2 days. This being the same schedule as having been done in years past.

New Year's Day 1993	Friday	01-01-93
Human Rights Day	Monday	01-18-93
President's Day	Monday	02-15-93
Memorial Day	Monday	05-31-93
Independence Day	Monday	07-05-93
Pioneer Day	Friday	07-23-93
Labor Day	Monday	09-06-93
Columbus Day	Monday	10-11-93
Veterans Day	Thursday	11-11-93
Thanksgiving Day	Thursday	11-25-93
Christmas Eve	Thursday	12-23-93 (1/2 day)



Christmas DayFriday 12-24-93

Motion was made by Commissioner Dixie Thompson to approve the 1993 Emery County Holiday schedule as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(10)

PROPERTY TAX ABATEMENT - PATRICIA HUNTINGTON

Auditor, Karen Truman advised the Commission that she had received a request from Patricia Huntington for property tax abatement. This was received after the deadline for accepting applicants. She noted that the abatement is for disability or extreme hardship. She further noted that Ms. Huntington has submitted a statement from her doctor and does qualify. Her request of the Commission is for a rebate on the taxes previously paid in the amount of the abatement or \$450.

Treasurer, JoAnn Behling indicated that Ms. Huntington does qualify and suggested that the Commission probably give the abatement. This was further agreed upon by Auditor, Karen Truman.

Whereupon, motion was made by Commissioner Dixie Thompson that the Commission authorize the tax abatement for Ms. Huntington as requested and refund to Ms. Huntington that amount equal to the tax abatement. Motion as seconded by Commissioner Clyde Thompson and approved by all members present.

(11)

TAX ANTICIPATION NOTE - RESOLUTION 12-15-92C

Auditor, Karen Truman reviewed with the Commission in its entirety Resolution 12-15-92C. Said Resolution declares the intent of the County to arrange for short-term financing to accommodate anticipated operating capital deficits by the issuance of tax and revenue anticipation notes, known as "trans", as a participant in the Utah Association of Counties combined cash flow borrowing program and related matters. It was noted that the Resolution authorizes the participation by the County. She further indicated that she anticipated that it would be for \$4.7 million.

Special Service District Manager, Darrel Leamaster inquired as to the sealing, noting that they have possible sale of funding which could effect the arbitrage rebate. Auditor, Karen Truman responded in that the sealing was raised from \$5 million to \$10 million before arbitrage rebate would be required. This would leave sufficient in that the Castle Valley Special Service District maximum amount would be approximately \$347,000.

Commission Chairman Mark Justice inquired of the County Attorney in regards to the matter. She recommended that the Commission proceed. Therefore, motion was made

by Commissioner Dixie Thompson to approve Resolution 12-15-92C as presented. Motion was seconded by Commissioner Clyde Thompson and approved by all members present.

(12)

#### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She has reviewed her Committee appointments wherein they have been involved in discussing the right-of-way of the County roads over State trust lands. She further discussed the State Sovereign lands and those funds derived from there and the need to document County roads across State Trust lands and that the County Road Department is working on this.

(13)

#### EXCUSE OF COMMISSIONER DIXIE THOMPSON

Commission Chairman Mark Justice at 9:56 a.m. excused Commissioner Dixie Thompson to attend meetings with Mt. Fuel Supply who will be meeting to discuss natural gas service to Cleveland and Elmo.

(14)

#### ROAD DEPARTMENT BUSINESS

A) Trade-in of Old Copy Machine - Road Superintendent Rex Funk obtained permission from those present to trade in his old copy machine towards purchase of a new one. Purchase of a new copier was previously approved by the Commission.

B) BLM Right-of-Way Agreement - He advised the Commission he has had Commissioner Dixie Thompson sign the right-of-way agreement on the Key Bank request previously discussed in which he would amend with the BLM requiring that it be 66 feet wide, in which they would re-submit to the BLM. He received concurrence of the Commission.

C) Gas Card - Road Department Secretary Carol Ware asked for Commission approval in the issuance of future gas cards that upon receipt of a request to add or delete gas cards that these be brought before the Commission for approval. It was the consensus of the Commission that this would be okay provided space was provided for department head approval.

(15)

#### COUNTY ATTORNEY BUSINESS

County Attorney, Patricia Geary reviewed with the Commission forfeiture monies turned over to the County from the prosecution of cases by her office. The first being the County has received a check in the amount of \$127,000 from a \$254,000 forfeiture received by the Utah Highway Patrol. She noted that it is usual that the County receive only 15%. However, she has negotiated with the public safety officials and had made application for additional drug interdiction programs at Green River. Therefore, they have increased that amount to 50% of the original forfeiture. The second being the \$102,000 which was turned over to the Federal Court, the County expects to get back 85%. Through a settlement with defense counsel Mark Tanner, he will receive \$10,000 and the County receiving the balance of \$75,000. This should be received in January. The third being a \$76,000 FBI forfeiture, the County expects to receive 85%. It was noted that \$20,000 is in Federal Court. There is also an anticipated \$50,000 additional to come within the next six months. The forfeitures total \$251,000 this year.

Ms. Geary expressed satisfaction in bringing these funds into the County in lite of her departure.

Ina Lee Magnuson expressed appreciation for the time and effort Patricia Geary has spent on behalf of the County. She noted Ms. Geary has stayed and stuck with the cases and her responsibilities, noting that others may not have in similar situations.

The Commission responded in that they felt the same as Ms. Magnuson who had expressed it well.

(16)

#### BUSINESS LICENSE APPROVAL

Clerk, Bruce Funk presented to the Commission for their consideration an application for business license from Steven Powell wanting to operate a business known as Chimney Rock Resources in Orangeville. The purpose of the business is to sale limestone for power plant use. He further noted that Planning and Zoning Administrator, Bryant Anderson has signed the application subject to the approval of a site plan which he noted was in process.

Whereupon, motion was made by Commissioner Clyde Thompson to approve the business license application from Steven Powell as presented. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(17)

#### MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 10:09 a.m.

ATTEST

CHAIRMAN

ComMin1-6-93

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 6, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

COMMISSIONERS MINUTES

The minutes of the December 15, 1992, Commission meeting were reviewed and corrected, including the minutes of the Public Hearing. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

(2)

COMMISSION RESPONSIBILITIES FOR 1993

Commission Chairman Mark Justice noted that the three Commissioners have met and discussed Commission responsibilities for 1993. They have unitedly agreed to the following responsibilities, noting that the Road Department is under both Commissioner Dixie Thompson and Commissioner Kent Petersen who will work cooperatively in that department. Commissioner Thompson noted that she will be primarily responsible for working at the State level and the Land issues. Commissioner Petersen will work, because of his engineering experience, with the day-to-day operations.

Dixie K. Thompson   Kent Petersen   Mark T. Justice

Airport   Association of Gov.   Animal Control  
Assessor   Auditor   Ambulance  
Attorney   Courthouse   Chamber of Commerce  
Council of Governments   Data Processing   Civil Defense  
Fair Extension Clerk  
JTPA G.R. County Complex Economic Development

Library G.R. Medical Center Fire Control  
 Mental & Public Health Housing Authority Justice Court  
 Personnel Human Services Landfill  
 Roads Museum/Historical Nursing Home  
 R C & D Recorder Planning & Zoning  
 Weed & Mosquito Roads Recreation  
 Treasurer RSVP/Senior Citizens  
 Sheriff  
 Television

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Commission responsibilities for 1993 as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)  
 AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #924664 through and including #924921 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
135	Decollator - Auditor & Data Processing	1,150.00	Approved
136	Hewlett Packard Laster Jet Printer - Attorney	1,699.00	Approved
137	386 Computer System & Accessories - Attorney	1,885.00	Approved
138	486-25 Data Tek Computer System & Accessories - Attorney	1,340.00	Approved
139	Two Ramchargers - Sheriff	37,724.35	Approved
140	Two lateral filing cabinets - Sheriff	978.00	Approved
141	Lateral filing cabinet - Justice Court Precinct #1	531.69	Approved

- 142 Donation to Cottonwood Elementary  
for scoreboard - Commission 1,000.00 Approved
- 143 Cellular phone - Attorney 399.00 Approved
- 144 Notebook computer system -  
Attorney 1,799.00 Approved
- 145 Sony Microcassette Transcriber  
and Recorder - Attorney 467.42 Approved

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

- A) County Attorney-LeAnne Seely - Six-month probationary raise retroactive to September 1992 at a Grade 6, Step B or \$7.89 per hour.
- B) Sheriff Department-D. Wesley Petersen - Probationary raise based on the fact that Mr. Petersen was a POST graduate when he started working for the County. Retroactive to December 1, 1992, at a Grade 12, Step E or \$11.27 per hour.
- C) Road Department-Darl Taylor - To be hired as a temporary employee until approximately the first of February. This will be to assist the department work force during Mike Jensen's absence due to medical leave. Rate of pay will be \$8.04 based on a Grade 7, Step A.
- D) Sheriff Department-Mitch Vetere - Mr. Vetere has been on medical leave for an "on the job injury" since July 2, 1992. He has been unable to use the vacation which has accrued during that time. He has 104 hours in excess of the 40 which can be carried over. He has requested that he be allowed to use those hours within the first quarter of 1993 per the personnel policy. The Sheriff has agreed to work with Mitch in this request.

Motion was made by Commissioner Dixie Thompson to approve the personnel actions as recommended. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

- E) 1993 Cost of Living Increase - Personnel Director, Pat Snowball asked Auditor, Karen Truman to discuss the effective date of the cost of living

increase. Mrs. Truman inquired of the Commission if it was their understanding also that the cost of living increase go into effect the first pay period in 1993 which would begin January 4. This was concurred by the Commission.

F) Insurance update - Personnel Director, Pat Snowball provided to the Commission an Emery County Health and Benefit Insurance update. She summarized a meeting held December 15, 1992, with Gordon Hillier of CBSA who is the representative who works with the County. He gave his perspective and how the plan is progressing and any concerns. It was noted that from July 1, 1992, through November 30, 1992, group benefits paid were \$231,646.28. In addition to those were the fixed administrative costs paid to CBSA as well as stop claim insurance for a total expenditure by the County of \$328,389.92. It was noted that Emery County has requested back any excesses monies for reinvestment by the County. This has been done. Total collections by the County, Nursing Home and Castle Valley Special Service District are \$720,765. It was noted that the County charge for a family plan per employee is \$441.14 per month; a single member is \$159.74.

(5)

RESOLUTION 1-6-93A - AUTHORIZING THE ISSUANCE AND SALE OF \$4.7 MILLION EMERY COUNTY TAX AND REVENUE ANTICIPATION NOTES

Provided to the Commission was Resolution 1-6-93A. Wherein said Resolution authorizes the issuance and sale of \$4.7 million Emery County Tax and Revenue Anticipation Notes, Series 1993B, awarding and confirming the sale of the Notes, approving the form of the Notes; authorizing and approving the execution and delivery of a Trust Agreement; authorizing the Private Placement Memorandum and related matters.

Whereupon, motion was made by Commissioner Dixie Thompson to approve Resolution 1-6-93A and authorize the issuance and sale of \$4.7 million in Emery County Tax and Revenue Anticipation Notes and authorize Commission Chairman Mark Justice to sign the necessary documentation. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

1992 SURVEY PLATS - RESOLUTION 1-6-93B

Mr. Craig Johansen of Johansen and Tuttle Engineering together with Recorder, Ina Lee Magnuson presented to the Commission for their approval the Re-survey plats. These are normally completed at 6 sections per year, but because of the corners and sections being closed in they are able to complete more. Drawings of those were provided to the Commission for their review. Whereupon, motion

was made by Commissioner Dixie Thompson to accept and approve Resolution 1-6-93B accepting the plats and authorize Commission Chairman Mark Justice to sign the same. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

#### FUNDING FOR MISS PANORAMA SCHOLARSHIP PAGEANT

Mr. George Stucki came before the Commission requesting County support in the funding of the winner of Miss Emery County to participate in the Miss Panorama Scholarship Pageant. He noted that this is the first year and it will be held in Sevier County. This will be a floating pageant. With the excellent facilities in Emery County, the County stands a very good chance of holding the pageant here possibly in other years. This is equivalent to the Miss Utah Pageant. There are approximately 13 or 14 Counties in Southern Utah participating. His request of the Commission is that they provide \$40 to Miss Emery County to become a contestant in that pageant. He further noted that this would give an opportunity for additional pageant experience and improve the contestants ability to win at the Miss Utah pageant.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the \$40 for the Emery County contestant. This is to be taken out of Dues and Contributions. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

#### CHIMNEY ROCK RESOURCES - APPROVAL OF 90 DAY PERMIT - RESOLUTION 1-6-93C

Economic Development Director, Bryant Anderson presented to the Commission for their consideration Resolution 1-6-93C. Said Resolution approves and authorizes the issuance of a 90-day use permit to Chimney Rock Resources to mine and process lime stone. Discussed was the hauling of the product over existing County roads to a processing mill at Huntington. A Road Encroachment Permit will be secured from Emery County with the appropriate user fees established and a payment schedule. The agreed upon fee was \$.25 per ton.

Road Superintendent Rex Funk discussed the payment method for proceeding with the encroachment permit. He was asked by the Commission to include the fee amount and the payment schedule as part of the encroachment permit.

Whereupon, motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to approve Resolution 1-6-93C allowing for a 90-day temporary use permit to Chimney Rock Resources. Motion was approved by all



members present.

(9)  
DISCUSSION OF GYPSUM RESOURCE DEVELOPMENT BOND MONEY  
RELEASE

Commission Chairman Mark Justice indicated that this item had been placed on the agenda by himself. However, there was no need for any action at this time.

(10)  
ADMINISTRATIVE CONTROL BOARD APPOINTMENTS FOR SPECIAL  
SERVICE DISTRICT #1 -  
RESOLUTION 1-6-93D

Presented to the Commission for their consideration was Resolution 1-6-93D. Wherein said Resolution reappoints Merrill A. Swasey and Sherril D. Ward to the Administrative Control Board of the Emery County Special Service District #1. These are each for four-year terms effective January 1, 1993. Motion was made by Commissioner Dixie Thompson to approve Resolution 1-6-93D as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)  
A RESOLUTION TO CLOSE OUT THE DEBT SERVICE FUND #30 - RESOLUTION  
1-6-93E

Commissioner Dixie Thompson reviewed Resolution 1-6-93E. Wherein said Resolution closes the Emery County Debt Service Fund (30) and transfers the remainder of those funds to the Emery County General Fund. The purpose for which the original Debt Service Fund was created has been fulfilled and there is a remaining balance of \$5,336.85 which would be transferred to the General Fund.

Whereupon, motion was made by Commissioner Dixie Thompson to approve Resolution 1-6-93E as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)  
CONSIDERATION OF THE EMERY COUNTY "GRAMA" ORDINANCE

Emery County Attorney, Mark H. Tanner suggested that this item be given further review before adoption by the Commission. He further noted that this is a draft used by other Counties. He felt that this possibly needed to be adapted to the needs of Emery County. Therefore, he recommended that the Commission not take any action on this matter at this time.

(13)

#### GOBLIN VALLEY ROAD AND PROPOSED LEGISLATION

Commissioner Dixie Thompson reviewed the Goblin Valley Road, noting that the State Parks, UDOT and the Counties possibly going to the legislature for additional funding. She indicated that last year \$82,000 was spent on the road to keep it at the present standard. She reviewed accidents that have taken place on that road. She further asked Park Supervisor Blaine Luke to comment. He noted that the County road is much better than it has ever been. It is the entrance to the State Park. It consists of approximately seven miles of County road. He indicated they appreciate the improvements to the road. Discussed was the possible use of reconstituted asphalt. However, Commissioner Thompson pointed out that no monies have been budgeted. Their request of the State Legislature would be \$1.4 million, although Goblin Valley Road improvements are not expected this year. However, Mr. Luke felt it was on a high enough priority to be considered this year. She inquired as to any direction that the Commission would give her.

Commissioner Kent Petersen suggested that the Commission take a closer look at the road with Road Superintendent Rex Funk, go over the budgets, look at re-prioritizing and re-evaluating the projects. Therefore, it was the consensus of the Commission to table this matter with the recommendation that the Commission visit the site with Road Superintendent Rex Funk and make a recommendation to bring back.

(14)

#### UTAH LOCAL GOVERNMENT TRUST CONTINGENT ASSESSMENT AGREEMENT

Commission Chairman Mark Justice reviewed a request from the Utah Local Governments Trust (ULGT). Wherein the agreement in exchange for the trust not pursuing its right to the contingent assessment now due it. Emery County agreed to budget the amount of the contingent assessment of \$42,676 for each of the three years or until the administrative board rescinds the contingent assessment for agencies participating in the ULGT. If at any time Emery County does not budget the contingent assessment or removes it from the budget, that Emery County acknowledges the trust may demand and receive payment of the contingent assessment pursuant to the interlocal agreement.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the budgeting of the contingent assessment for each of the three years as requested or until the Trust Administrative Board rescinds the request as outlined in the agreement. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

#### APPROVAL OF UAC DUES ASSESSMENT

Commission Chairman Mark Justice reviewed with those present the increase in the dues assessment to Emery County from the Utah Association of Counties. It is being increased from \$17,000 to \$19,000. This is Emery County's portion in the hiring of another staff member at UAC to work with the Sheriff's department and others. Motion to approve the increase was made by Commissioner Kent Petersen, seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### DISCUSSION OF COUNTY SUPPORT OF UAC'S PROPOSAL TO HIRE A WASHINGTON LOBBYIST

Commissioner Dixie Thompson advised those present that Bob Widner who was Senator Garn's aid is staying in Washington. Mr. Wagner has put together a plan to represent rural counties of Utah in regards to public land issues. She further discussed upcoming federal legislation as to the Clean Water Act as well as a number of other acts in which such a lobbyist could be very beneficial to the Counties. Total cost for his services for those Counties participating would be a total of \$8,333 per month. She further advised that no action would be necessary at this time, but it would be discussed in upcoming meetings.

(17)

#### EMERY COUNTY MERIT PAY STUDY

Commission Chairman Mark Justice noted that in December the County Employees Committee, Officials and Department Heads met to discuss recommendations and ways to study and implement the merit pay. It was requested that Commissioner Kent Petersen serve with that group as a representative of the Commission. This was agreed upon by Commissioner Petersen.

(18)

#### ASSESSOR'S BUSINESS - ARLO FAUSETT FINDINGS

Assessor, James Fauver reviewed that the County hired Arlo Fausett to investigate and determine the values on the oil and gas wells in the County. This is done by contract. Discussed was Mr. Fausett proceeding with litigation. It was noted that Mr. Fausett has found values of approximately \$82 million. Discussed was how much time Mr. Fausett had spent and the accuracy of his valuation. It was the recommendation and consensus of the Commission that this receive further study and recommendation by the County Attorney in lite of a stipulation and motion before the Utah State Tax Commission on behalf of Meridian Oil Company. This is to be done before recommending that Mr. Fausett

proceed with any litigation on the properties.

(19)

#### PURCHASING POLICY REVIEW AND RECOMMENDATION

Commission Chairman Mark Justice indicated that the present procurement and disposal ordinance was established in 1982. He reviewed items which the Commission might want to consider adjusting. He further suggested that the Ordinance receive further review through the creation of a group to study and make recommendations back to the Commission. This would be with the Auditor's office, himself and other interested parties. The Commission concurred in this matter.

(20)

#### AMBULANCE RATES

Commission Chairman Mark Justice noted that the rates presently charged for ambulance service are below standards of other jurisdictions. However, because Emery County Sheriff Lamar Guymon is out of the area at this time, this matter be tabled for further discussion at a later date.

(21)

#### MUSEUM BUDGET AND 1993 GOALS

Commissioner Kent Petersen was requested to review the museum budget and the goals for the coming year. Commissioner Petersen indicated that presently County funds are budgeted for utilities and insurance. They were desirous to complete the museum so that more displays can be installed. He noted that a small portion is unfinished. He estimated it would cost approximately \$11,000 to \$15,000 to finish that portion and they hope to have it open next summer. The Museum Board will be meeting and coming back to the Commission with further recommendations and suggestions.

(22)

#### REQUEST FOR DONATIONS TO INDIVIDUALS AND GROUPS

Commission Chairman Mark Justice questioned if it would be advantageous for the County to establish a policy which could be adopted giving guidelines for those individuals and groups soliciting financial support from the County. It was the recommendation of Commissioner Dixie Thompson that the County continue as it is presently doing in that each be considered on a case by case basis. She noted that if guidelines are established, that this could further qualify those who might come before the Commission and eliminate those who the Commission might be desirous to help.

Economic Development Director, Bryant Anderson recommended that a grant

application be developed.

It was the consensus of the Commission that no policy be established at this time and that each case be considered on its individual merits.

(23)

#### SALE OF COUNTY OWNED REAL ESTATE PROPERTIES

Commission Chairman Mark Justice noted that Ina Lee Magnuson had provided him with plats of properties owned by Emery County. His recommendation was that these properties be identified as to any value to the County at which case they would retain them and sale the other properties to the public. Also, that Commissioner Kent Petersen review these and identify those which would be of value to the County or Road Department and bring back a recommendation to the Commission.

(24)

#### DISCUSSION OF COUNTY NEWSLETTER

Commission Chairman Mark Justice report on public feed back in regards to the County's Newsletter which had previously been mailed to the citizens. He noted that the Commission had received both favorable and negative comment in regards to it. It was the consensus of the Commission that they would like to keep the public better informed. However, it was the consensus of those present that this might be better accomplished through a better utilization of the local newspaper.

(25)

#### COMMITTEE TO MONITOR COUNTY WATER RESOURCES

Commission Chairman Mark Justice reviewed a request by Bevan Wilson that a Committee be set up to monitor water resources throughout the County. However, after looking into this that the Emery County Water Conservancy District Board could perform this function. Therefore, no action would be required at this time.

(26)

#### COUNTY MANPOWER

Commission Chairman Mark Justice noted that he had placed this on the agenda, however, he asked that it be table at this time.

(27)

#### COMMISSIONER REPORTS

Commissioner Dixie Thompson:

1. She informed the Commission that State Highway 31 from Huntington Canyon over the Mountain has been designated as a Scenic Highway for the State of Utah. It has won State competition and it will now go on to National competition, wherein approximately \$762,000 is available. She further noted that the Forest has requested a letter of endorsement by the Commission to which they concurred.

2. She reviewed with the Commission proposed land exchange of school trust lands and their impact noting that the exchange would take place with properties around the pageant site. These being transferred to the LDS Church. Wherein, they are buying those lands and inquired if there was any objection. It was further noted that it does not significantly impact on any other users of that land.

3. She further discussed the Bear hunt appeal in which an article recently appeared in the Emery County Progress. Emery County's request was denied.

Commission Chairman Mark Justice:

1. He inquired of the Commission and those elected officials present at this meeting if they would like to participate in a meeting with State elected officials that represent Emery County to discuss those issues pertinent to Emery County. The Commission asked Commission Secretary Leslie Bolinder to coordinate in this regard.

(28)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the Commission meeting at 7:44 p.m.

ComMin1-20-93

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

January 20, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:15 a.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

PUBLIC HEARING - CANCELLED

Commission Chairman Mark Justice noted that a public hearing scheduled and on the agenda to receive public comment on increasing the 1992 budgets for the Emery County Funds E-911, RSVP, Economic Development and Internal Service, would not be held at this time. This is based on recommendation of the County Attorney in that notice had not received proper publication in a paper of general circulation.

(2)

COMMISSIONERS MINUTES

The minutes of the January 6, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

(3)

AMENDING THE 1992 GENERAL FUND BUDGET - RESOLUTION 1-20-93

Auditor, Karen Truman presented Resolution 1-20-93 which is the proposed Amended 1992 Emery County General Fund Budget. She reviewed with the Commission the reasons for amending the 1992 budget. Whereupon, motion was made by Commissioner Kent Petersen to adopt Resolution 1-20-93 which amends the 1992 Emery County General Revenue and Expenditure Fund Budget. This was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #924922 through and including #925074 for payment. Whereupon, motion was made by Commissioner Dixie Thompson to approve the warrants for payment. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

No requisitions were presented for Commission consideration.

(5)

#### ARLO FAUSETT - CONTRACT WITH COUNTY

County Attorney, Mark Tanner presented to the Commission a copy of the agreement entered into on August 5, 1992, between Emery County and Arlo Fausett and also a copy of the Stipulation and Motion which is before the Utah State Tax Commission on behalf of Meridian Oil, Inc. This matter also having been discussed in the Commission minutes of January 6, 1993. The Commission requested Mr. Tanner to look into this matter. Mr. Tanner indicated that Mr. Fausett's work and contract is outside the stipulation and he and his attorney are aware of the stipulation and will not violate it as it applies to Meridian.

It was the consensus of those present that Mr. Fausett be notified by letter jointly prepared by Assessor, James Fauver and County Attorney, Mark Tanner to proceed with his contract with Emery County, drawing special attention to keeping Emery County clear of any pending litigations.

(6)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission the following for consideration:

A) Requisition for Deputy Treasurer - Requested was a Deputy Treasurer, clerical position, needed February 1, 1993, 3/4 time, prorated benefits, dependent upon experience wage will start at \$7.11 or \$7.71 per hour.

B) Requisition for Justice Court Clerk in Green River - Requested was a Justice Court Clerk in Green River, clerical position, needed February 1, 1993, full time with benefits, dependent upon experience wage will start at \$7.11 or \$7.71 per hour.

C) John Powell-Road Department - John Powell is a Crew Leader in Green River. Because of the distance between the Green River shop and the main office, the position of crew leader is magnified with respect to what is required of John. He must make many decisions without the same benefit of the closeness of the general foreman and road department supervisor that other crew leaders are privy to. Therefore, it is recommended that John be granted a two-step increase to help compensate this magnification of responsibilities.

D) Steve Kemple-Road Department - It is recommended that Steve Kemple be promoted to Crew Leader/Signs. Steve has previously had experience with the signing program and his work was found to be very satisfactory. All crew



leaders in the Road Department are paid at the same rate. It is, therefore, recommended that Steve be started at a Grade 14, Step L (\$13.45/hour). After passing, satisfactorily, the three (3) month probationary period for promoted employees, Steve would receive a step increase which would place him on the same grade and step as his associate crew leaders, Grade 14, Step M (\$13.69/hour). Steve is currently an Operator II, Grade 10, Step L (\$11.35/hour).

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Personnel Requisitions and actions and presented. Motion was seconded by Commissioner Kent Petersen.

At this time, Commission Chairman Mark Justice indicated that in respect to the Deputy Treasurer help that he could not support the hiring of another Deputy Treasurer in that Emery County has lost population. Therefore, he could not justify expansion of the staff. However, he encouraged sharing of employees from other offices. In regards to the Justice Court Clerk, this is a replacement for Gwen Weihing. He noted that in this position, the Clerk will also share additional duties both for the Assessor's office and Sheriff's office in the Green River building. Therefore, Commission Chairman Mark Justice voiced support for all the other personnel matters with the exception of the Deputy Treasurer in which he voted in opposition.

Whereupon, the Personnel Requisitions and actions passed.

(7)

#### DISCUSSION OF PURCHASING POLICY CHANGES

Commission Chairman Mark Justice noted that he had placed this on the agenda and has previously been discussed today in Elected Officials meeting with recommendations made there. County Attorney, Mark Tanner presented to those present a draft proposal including the changes. Wherein, the purchase for office furniture and equipment not requiring prior Commission approval was increased from \$100 to \$300, with purchases in excess of \$3,000 requiring sealed bids. In regards to construction, Section V be amended in that bids are required in projects exceeding \$25,000. Also, projects costing over \$3,000 but less than \$25,000 can be done by a written contract approved by the Board of Commissioners. Any project costing under \$3,000 shall receive approval by the Board of Commissioners. It was further pointed out that in Subsection A, that all bids shall be opened publicly in a regularly scheduled Commission meeting.

Commission Chairman Mark Justice inquired if there were any comments as to the proposed amounts. There being none, however, it was recommended that the County Attorney's office circulate copies of the draft Resolution to all department heads and elected officials, notifying them of the changes and soliciting any comments.

(8)

#### COUNTY ROAD PROJECTS FOR 1993

Commission Chairman Mark Justice noted in a follow-up to the January 6, 1993, Commission meeting of a need to prioritize the County Road projects for 1993. Road Superintendent Rex Funk, together with Commissioner Dixie Thompson reviewed with those present the 1993 proposed Class B road projects. They are the Buckhorn Reservoir cut, with an anticipated cost of approximately \$120,000; the Lawrence Westerly, which is the FAS road, in which the County's matching funds are \$60,000; and the Old Lawrence River Road, for approximately \$80,000. It was further noted that no monies have been budgeted for the Goblin Valley road for 1993.

Commissioner Dixie Thompson further reviewed the Legislature's efforts to determine the agency responsible for roads to and within State Parks such as Goblin Valley. She again emphasized that the County has not budgeted any monies for that road. She indicated to the Commission she would keep them advised as to upcoming meetings she will be attending.

At this time Commission Chairman Mark Justice asked Bevan Wilson of the Emery County Special Service District No. 1 to review their road projects for 1993. Mr. Wilson noted that they have basically finished the Coal Haul roads. Since that time, they have met with Road Superintendent Rex Funk and Commissioner Dixie Thompson who, together with the School Board, recommended prioritization of the School bus routes. Mr. Wilson indicated that the road from U-10 to Lawrence as a phase one project has been completed. They are presently in the second phase. Together with a third phase will tie into the Lawrence Westerly FAS road project being done by the County. He also noted that Ghost Road is being advertised for bids at the present time. Other projects prioritized by the District are the Moore Road, the Airport Road and the South Flat Road.

Commission Chairman Mark Justice inquired of Road Superintendent Rex Funk as to the requests of citizen Sally Staker Atwood and the Oveson Spur. Mr. Funk indicated that both roads have been upgraded and dust guard has been applied. However, it was not practical to put asphalt. He noted that the citizens have expressed appreciation for the improvements done there. He indicated that dust was the main concern.

(9)

#### PRIORITIZATION OF THE CAPITAL PROJECTS FOR 1993

Commission Chairman Mark Justice noted that the Commission has budgeted \$500,000 for capital projects. His recommendation of the Commission was that they identify a list of projects and to prioritize those. The following projects were discussed and assignments were made to individuals responsible to obtain costs to bring back to the Commission for consideration at the next Commission

meeting in an effort to take that information and prioritize the projects for 1993: Nursing Home heating system; Industrial Park; Sheriff's office remodeling; Green River Ambulance garage; Courthouse repairs, outside lighting and records storage; gas tank removal; fueling facility; fair facility; animal control facility and road shop.

(10)

#### PROPOSED AMENDED MINERAL LEASE LEGISLATION

Commissioner Dixie Thompson reviewed proposed amended Mineral Lease Legislation expected to come before the Legislature which would greatly affect the Emery County Special Service District No. 1 in its litigation with Carbon County. It was noted that the proposed legislation would give Carbon County what it is asking for. It provides for a greater portion of those monies to go to where the production access or the portal is located. She further noted that the Utah Association of Counties will oppose the legislation.

Bevan Wilson was asked to review this proposed amended legislation. He further noted that a meeting has been set for January 21, 1993, at 8:30 a.m. at the State Capitol. Because of its detrimental effect to Emery County, efforts need to be made to stop the legislation. It was further noted that a number of other counties in the State are also concerned of the adverse affect of any such proposed legislation.

(11)

#### BOARD OF ADJUSTMENT MEMBERS

Commission Chairman Mark Justice noted upon discussions with Planning and Zoning Administrator, Bryant Anderson that presently the Board of County Commissioners serves as the Board of Adjustment. He inquired of the Commission as to the possibility of the Commission resigning from that Board and that a three to five member Board of Adjustment be established. His recommendation is that a Board of five be established. This Board would make recommendations to the Commission for final adoption.

Commissioner Kent Petersen inquired as to the number of cases in which the Commission has had to consider. It was noted that they are very few. It was therefore, his recommendation that the Commission not consider creating a new Board in that they would have very little to do.

Commission Chairman Mark Justice noted further that he was comfortable in either direction that the Commission desired to go. Commissioner Dixie Thompson reiterated that if the County was having a large number of cases to consider, requiring a considerable amount of time, that a new Board would be beneficial. It was further suggested by Commissioner Thompson that Counties of our approximate size be contacted and see what provisions they have made as to the Board of Adjustments.

Therefore, it was the recommendation of Commission Chairman Mark Justice that this matter be tabled and request that Planning and Zoning Administrator Bryant Anderson further investigate this and make a recommendation to bring back to the Commission.

(12)

APPOINTMENT OF ADDITIONAL MEMBERS TO THE EMERY COUNTY  
SPECIAL SERVICE DISTRICT  
NO.1

Commission Chairman Mark Justice reviewed with those present the Boards and Districts organized within the County noting they have between 11 and 13 members each. These include the Recreation, Fire District and Castle Valley Special Service District. They seem to work fine and get the work done. His suggestion would be consideration that two more members be appointed to the Emery County Special District No. 1 presently constituted of five members. It was further his suggestion that Commissioner Kent Petersen, who resides within those boundaries be appointed together with one other citizen. Commissioner Justice further noted that he as a Commissioner was not interested. This would enable new members on the Board with new thoughts.

Bevan Wilson, who serves on the Board for the Special Service District No. 1, reviewed the past history and the reasons for the five man board. He also emphasized the costs associated by the additional board members and the need to keep government at a minimum in concerns to cost. Of prime importance was that the monies which the District works with are uncertain from one year to another. He further questioned if we really did need a larger Board. Also discussed was the geographical balance of the present Board.

Mervin Duncan, of Ferron, who also serves on that District's Board expressed opposition to the need for the extra man power.

This matter was tabled to take back to the Board of the Special Service District No. 1 for their comments and recommendations.

(13)

COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She briefly discussed the importance of hiring the Washington lobbyist discussed in the January 6, 1993, Commission meeting and what a benefit it would be to rural counties.

Commissioner Kent Petersen:

1. He reviewed upcoming legislative issues such as the enterprise zone.

Commission Chairman Mark Justice:

1. He noted that JoAnn Behling is in Salt Lake. She is taking papers in regards to the Tax Anticipation Note. Wherein, Emery County has participated in the UAC pool. We are one of four counties. The total combined amount is approximately \$8 million of which Emery County's participation is \$4.7 million. He questioned that possibly next year that the County look into this and consider other local options.

2. He has met with Sheriff, Lamar Guymon. They are reviewing the ambulance rates and will be looking to move those up to what the State is charging.

3. He further discussed the possibility of a Spring County Auction. Road Superintendent Rex Funk requested that he be given at least 90 days in order to prepare equipment for that sale.

(14)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 11:55 a.m.

ComMin2-3-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

February 3, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; Deputy County Attorney, David Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

COMMISSIONERS MINUTES

The minutes of the January 20, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

(2)

RESCHEDULING OF THE FEBRUARY 17, 1993, COMMISSION MEETING

Commissioner Dixie Thompson noted that on the regularly scheduled Commission day of February 17, 1993, the Utah Association of Counties is having a legislative day. Wherein, they are providing an opportunity for locally elected officials to meet with the State Legislative people. Noted was the need to take care of certain County matters in a Commission meeting in the near future. Therefore, it was the consensus of the Commission and motion by Commissioner Dixie Thompson to reschedule the February 17, 1993, Commission meeting to February 16, 1993, at 9:00 a.m. This is to be preceded by an elected officials meeting at 8:00 a.m. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #930001 through and including #930148 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
1	Two-drawer lateral file - Sheriff	366.64	Approved
2	To correct Life Safety Code Deficiencies written on 1992 survey. Deficiencies include emergency alarm system, building renovation, etc. - Nursing Home 40,000.00 as written		Not Approved
3	Nursing computer to accommodate current and future needs of nursing department and medical record requirements - Nursing		

Home 4,500.00 Approved

- 4 One-3,000 series time recorder -  
Stock #LTH-3001 - Road 280.00 Approved

Motion was made by Commissioner Dixie Thompson to approve warrants for payment and requisitions for purchase. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department-Daryl Taylor - It has been determined that Daryl Taylor has the necessary qualifications to fill a 9-month temporary position as operator beginning 2-1-93 at an hourly rate of \$9.12. Although this is a temporary position and non-classified, the pay scale is comparable to a Grade 10, Step A. The end of this temporary assignment will occur approximately October 29, 1993.

B) Green River Justice Court-Cynthia Elsenrath - Upon completion of the testing and interviews given on January 22, 1993, in Green River, Cynthia Elsenrath is the applicant who Judge Betty Burns would like to place in the vacancy left by Gwen Weihing in the Green River Justice Court. Subject to Commission approval, Cynthia will start on a Grade 4, Step A or \$7.11 per hour, effective February 8, 1993.

C) Weed & Mosquito Department-Leslie Reece - Leslie Reece was initially hired five years ago at a lower grade level than was recommended for the position of Weed & Mosquito Worker as it was written in 1983. Since that time, responsibilities of the position have increased; an increase of Grade for the position occurred as a result of the job description update in 1991. Previous action has been taken in an effort to compensate Leslie at a level based on job responsibilities with partial success. It is recommended that he progress from a Grade 12, Step A or \$9.91 per hour to Step F or \$11.02 per hour on the same grade. Although the facts show a considerable difference in compensation, the action finally places Leslie at a level of compensation more equal to the knowledge, skills and abilities of the position.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the personnel items as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

D) Merit Increase Discussion - Mrs. Snowball indicated that she has visited

with a number of elected officials and department heads who have expressed a desire to award merit increases. It is her understanding that there is no funding in the 1993 budget for merit increases. Additionally, the County Commission requested the review of the merit system which is currently in place in Emery County with an eye toward making it viable and operational. She recommends under the current system that merit increases not be considered until this committee has had a full opportunity to evaluate and make recommendations back. That process has just begun. Until some recommendations surface relative to a workable system, merit increases should not be an option.

The Commission concurred with Mrs. Snowball's statement.

E) Liability Insurance Discussion - Mrs. Snowball inquired of those present as to why Emery County is paying such a large premium compared to other Counties who are participating in the UAC Mutual Insurance. The premium last year was \$180,429 which was \$45,000 savings over what the County paid through the Utah Local Government's Trust. This year's premium is \$189,028.

Auditor, Karen Truman responded in that it is based on a number of factors. This includes the number of roads, employees, etc.

Commissioner Dixie Thompson, who serves on that Insurance Board noted that this is a comparable premium that the County was paying with the Utah Local Government's Trust. She noted this is the second year of the County's participation. Premiums are based on anticipated claims. She further noted that Emery County has reported all potential claims. It appears that some Counties have not done that.

Mrs. Snowball continued in that she was unhappy with the services provided by the UAC Mutual Insurance in that she would like to see a better public relation effort from them. For the amount of premium we are paying, someone should come down and answer some questions. There have been problems with correspondence and billing.

Commission Chairman Mark Justice noted that when the County joined, amongst the benefits offered would be that someone would come here to review how Emery County was doing things and to make suggestions in an effort towards loss control. While Emery County will again participate in the program this year, in the future it is suggested that the UAC Mutual Insurance establish what the annual premium would be with Emery County having the option to accept or go out for other bids. He further recommended that the County get three other comparative rates. He recommended those be from the Utah Local Governments Trust, Penco which is the Hartford Agency and Olympus Trust so that the Commission could have the opportunity to compare costs in the market place.

Commissioner Kent Petersen felt the suggestion of Commissioner Justice was reasonable. However, Commissioner Dixie Thompson voiced opposition.



Whereupon, motion was made by Commissioner Kent Petersen that Insurance Technician, Pat Snowball contact other recommended agencies to determine comparable costs indicating up front with them that the County is continuing their coverage with the UAC this year. This could then be used as a cost comparison for next year. Motion was seconded by Commission Chairman Mark Justice. Motion passed with Commissioner Dixie Thompson voting in opposition.

(5)

RESOLUTION 2-3-93A - AMENDING RESOLUTION 12-2-92B

Personnel Director, Pat Snowball presented to the Commission for their consideration Resolution 2-3-93A. This Resolution amends the previously adopted Resolution 12-2-92B relative to the County leave policy. It was found that in the original Resolution, that in paragraph D.2.b, that there was a typographical error wherein "parents" appeared twice and "grandchild" had been omitted. Paragraph D.8.c., corrects the rate of sick leave reimbursement upon termination. Paragraph D.8.f., includes an original paragraph that was not intended for exclusion and occurred through the work processing procedure. It gives instruction relative to Workman's Compensation and how accrued leave shall be applied during a time of disability as a result of an industrial injury.

Whereupon, motion was made by Commissioner Kent Petersen to adopt Resolution 2-3-93A which amends Resolution 12-2-92B as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

SOUTHEASTERN UTAH ECONOMIC DEVELOPMENT DISTRICT PLAN -  
RESOLUTION 2-3-93B

Mr. Dennis Rigby of the Southeastern Utah Economic Development District came before the Commission presenting them with Resolution 2-3-93B. Said Resolution requests that the Emery County Commission go on record supporting the continuation of the economic planning activities of the Southeastern Utah Economic Development District and urges acceptance of the District's planning grant application to the U.S. Economic Development Administration. He further reviewed the information packet provided to the Commission. Wherein, outlining the grant request and the activities to be done with those funds. He further noted this is similar to the grant of previous years and that it is part of the Comprehensive Land Use planning which the County is pursuing.

Whereupon, motion was made by Commissioner Kent Petersen to accept and approve Resolution 2-3-93B in support of the planning activities of the Southeastern Utah Economic Development District and their grant application. Motion was

seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### EMERY COUNTY AMBULANCE RATES

Commission Chairman Mark Justice reviewed his discussions with Sheriff, Lamar Guymon wherein the Emery County ambulance rates are far below the State approved ambulance rates. He recommended that the County adopt the State approved rates which are rates approved by Medicare. He indicated that 95% of monies received for ambulance service comes from insurance carriers. He further noted that presently the ambulance is operating with revenues 60% of budgeted costs.

The present County rates are as follows: Base rate - \$120; base rate non-transport - \$60; mileage - \$4; oxygen - \$5; cannula - \$1; IV set-up - \$7; IV administration - \$15; mask - \$1; airway - \$10; ventilation assist - \$10; blood tubes - \$10; burn care - \$10; cervical immobilization - \$10; CPR - \$10; mast - \$10; OB care - \$10; spinal immobilization - \$10; splinting - \$10; suctioning - \$10.

The State approved rates are: Base rate - \$185.58; base rate non-transport - \$150; mileage - \$7.22; emergency surcharge (for emergency responses) - \$18; night surcharge (service between the hours of 8:00 p.m. and 8:00 a.m.) - \$18; off-road surcharge (travel for 10 miles or more on unpaved roads) - \$15. These are the maximum rates allowed by the State. The supplies should be priced fairly and competitively with similar products in the local area.

Commissioner Dixie Thompson expressed concern as to whether this would make ambulance service affordable and the possible hardship it would create for some citizens. However, Commission Chairman Justice noted that provisions are in the present system wherein a family can make payments and the waiver of costs in hardship cases.

Commissioner Justice further emphasized that what is being considered here is at what level of service do the residents want the County government to subsidize those who are responsible for using the service. In this case, the provider of the service is unfairly compensated.

Commissioner Kent Petersen recommended that the Sheriff's Department look into this further and evaluate the impact of the rates and make a recommendation back to the Commission. Progress Editor, Larry Davis was asked to run the article in regards to the rates and solicit input.

The Commission concurred in this recommendation. Therefore, no action was taken at this time.

(8)

#### DISCUSSION OF PRIORITY OF CAPITAL PROJECTS

In a follow-up to the previous Commission meeting, Commissioner Kent Petersen noted that the cost for a road shop would be approximately \$315,000; the courthouse repairs would be \$5,000 for outside lighting and \$20,000 to \$50,000 for other repairs to the Courthouse; a fueling facility for Castle Dale would be \$125,000; and a fueling facility for the airport would be \$40,000. Commission Chairman Mark Justice noted that a heating system for the Nursing Home would be \$45,000; Industrial Park to accept immediate occupants would be \$75,000; ambulance garage in Green River would be \$60,000.

Commissioner Dixie Thompson noted that a Fair Grounds facility would be approximately \$200,000. Her recommendation and discussions were that the County would provide one-half of those funds and Castle Dale City would go to the Community Impact Board on a cooperative basis.

Other projects discussed were the records storage facility of approximately \$50,000 and Sheriff's office remodeling of \$30,000. The Commission advised those present that the Commission had budgeted \$500,000 for capital projects. They inquired if there were any comments. It was recommended that those projects which have a liability risk to Emery County be considered on a higher priority.

It was therefore agreed by the Commission that now that they have the total costs, they review these further and at the next Commission meeting set for March 3, 1993, they prioritize them at that time.

(9)  
GAS CARD - CENTRAL FUEL FACILITY

The Commission opened for discussion the present gas card which has been implemented in the County and as to whether the County should proceed with a central fuel facility. Commissioner Kent Petersen noted that the County has already implemented the gas card. It was suggested that the County not be restricted to one type of system.

Road Superintendent Rex Funk reviewed with the Commission the sites, capacity and age of the tanks, the federal guidelines and the requirement to have all tanks removed by 1998 in that they do not meet federal guidelines. He discussed the annual cost to maintain the present facility as well as reviewed the December 1992 usage of the gas card.

After further discussion, recommendation was made by Commissioner Kent Petersen that the County proceed with the gas card in that it is a reasonable way to go provided they can get the service they need from the suppliers. He further

recommended removal of the airport tanks and install an above-ground facility. That the Commission meet the other minimum requirements of the present County fuel facilities and include the installation of the necessary monitoring equipment and any additional action be postponed for one year to allow for a complete evaluation. This recommendation was concurred by Commissioners Justice and Thompson.

(10)

#### EMERY COUNTY PURCHASING ORDINANCE - SETTING OF PUBLIC HEARING DATE

The Commission provided to the Elected Officials a final draft of the Ordinance establishing regulations for acquisition, management and disposal of County property and repealing Ordinance 12-16-82C. It was noted they are ready to proceed with setting of a date for a public hearing at this time. Suggestions were given to the Commission for inclusion in the final draft.

Whereupon, motion was made by Commissioner Kent Petersen to approve a final draft and to proceed with setting a public hearing on March 3, 1993, at 6:00 p.m. for public comment on the adoption on the Purchasing Ordinance. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### SUPPORT FOR BILL ORTON'S UTAH PUBLIC LAND USE MANAGEMENT REPORT

Commissioner Dixie Thompson reviewed the merits of U.S. Senate Bill 3332 and the National Conservancy area legislation being sponsored by Bill Orton. It was the consensus of the Commission that legislation being proposed by Bill Orton better serves the needs of Emery County. Her request of the Commission was direction in notifying congressional people as to which the County would support.

Whereupon, motion was made by Commissioner Kent Petersen to support the National Conservation area as proposed by Bill Orton. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### PAYROLL DEDUCTION POLICY

Auditor, Karen Truman reviewed with the Commission what level of participation by County employees was required before payroll deduction could be made for payment of premiums directly to the vendors. She noted that in the past this has been set at 20 and in one incidence because of increased premiums, the number participating later dropped to 8. She further noted that reducing the number of employees required in a group before payroll deductions are made directly to the vendor, would increase the number of vendors and increases the

time required by her office to make those deductions. She noted that previously had it been set at approximately 1/4 of the total County employee or at 20. However, after further discussion with the Commission the minimum group might be set at 12 for participation in a payroll deduction.

At this time, Commission Chairman Mark Justice recommended that Auditor, Karen Truman review this matter closely and make a determination and formal recommendation back to the Commission for adoption at the next Commission meeting.

Therefore, no action was taken at this time.

(13)

#### ROBERT WEIDNER - AGREEMENT - WASHINGTON REPRESENTATIVE

Commissioner Dixie Thompson reviewed meetings in which she and Commissioner Kent Petersen attended in regards to entering into an agreement with Robert K. Weidner of the Rural Utah Public Lands Council who was a staff member of Jake Garn. He is desiring to stay in Washington and would spend 1/3 of his time lobbying for Rural Utah Counties. Therefore, he submitted a memorandum of agreement for those services at an annual cost of \$7,500 as Emery County's share. Discussed was the benefit to the County and her recommendation that it be tested for this year. Mr. Weidner would contact the County's through the UAC.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the agreement between Emery County and Mr. Weidner for those services outlined in the agreement at a cost of \$7,500. Motion was seconded by Commissioner Kent Petersen. Commission Chairman Mark Justice noted that he would vote in opposition for the following reasons: that the County presently belongs to the Utah Association of Counties, NACO, we have Congressmen and Senators, as well as State Representatives whose responsibility it is to represent our interest. Although he doesn't disagree with the value of the service that Mr. Weidner can offer. Whereupon, motion passed.

(14)

#### COUNTY ATTORNEY - DRUG FORFEITURE CONTRACT

Reviewed was a proposed agreement between Emery County and County Attorney, Mark Tanner and Deputy County Attorney, David Blackwell. Wherein, Mr. Tanner and Mr. Blackwell would contract with Emery County in providing services in drug forfeiture related cases. The cost to the County for this service would be \$30,000 for the year 1993.

Whereupon, motion was made by Commissioner Dixie Thompson to accept the contractual agreement. She noted this is far less expensive than hiring additional deputy attorneys because of the increased work load in the County

Attorney's office.

Commission Chairman Mark Justice indicated that these duties are part of the responsibility of the County Attorney's office. He reviewed those drug forfeiture monies recently reclaimed by Mr. Tanner. He reviewed the past history of County Attorney, Scott Johansen who entered into a similar type agreement, but after a public hearing was given a salary increase because of the increased work.

Public comments received at this time was that Mr. Tanner knew of the office responsibility and what would be required of him. It appeared that others such as Gene Strate had provided the service to the County at \$800 per month with the County at that time having a higher type case load on the forfeitures. However, recognized was the increased demand placed upon his office by the Commission in other matters.

Therefore, it was the recommendation of the Commission that this matter be tabled and discussed further with the County Attorney's office.

(15)

#### COMMISSIONERS REPORTS

Commission Chairman Mark Justice:

1. He noted that the Castle Valley Special Service District is going before the Community Impact Board \$900,000 in projects. Wherein, the Commission will also attend that meeting in support of the District.

Commissioner Dixie Thompson:

1. She informed those present that the Road Department's prioritization of road projects will have to be reconsidered because of surface deterioration as a result of the moisture.

2. She called attention to the airport, that because of the moisture any grading of the runways would cause serious damage to those surfaces. Consideration will possibly have to be given to shutting down the airport until the snow melts.

Commissioner Kent Petersen:

1. He noted that George Stucki was previously before the Commission and the Commission agreed to provide the entrance fee for a participant in the Miss Panorama Pageant. He noted that Miss Emery County Melissa McKell was the first runner up in that contest and since that time the Queen has resigned. Therefore, Melissa McKell will go on to the Miss Utah contest.

(15)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the Commission meeting at 9:01 p.m.

ComMin2-16-93

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

February 16, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

COMMISSIONERS MINUTES

The minutes of the February 3, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #930206 through and including #930336 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
5	Two Chairs for Dispatch - Sheriff	1,116.72	Approved

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel requisitions for Commission consideration:

A) Road Department - Roy Jensen will retire the end of February. A requisition was submitted for consideration and approval by the Commission to replace Mr. Jensen with an Operator II, effective March 1, 1993, at a wage of \$9.12 per hour at a Grade 10, Step A.

B) Treasurer - A requisition was submitted for consideration and approval by the Commission to hire a regular part-time (3/4 time) employee. The proposed pay rate is a Grade 4, Step A or \$7.11 per hour. Based on the experience of the individual hired, the pay rate could be a Grade 6, Step A or \$7.71 per hour.

Whereupon, motion was made by Commissioner Kent Petersen to approve the personnel requisitions as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### ROAD DEPARTMENT - COMMUNICATIONS SYSTEM

Road Superintendent Rex Funk addressed the Commission as a follow-up to a memo he had previously submitted to the Commission requesting that consideration be given to upgrade the Road Department communication equipment. He outlined that in many areas of the County he is unable to communicate with the road crew. Also, the base unit is unable to transmit. This has been reviewed by Emery County Communications Technician Bret Mills and Tom Humphrey of the Road Department. Proposed was a four-channel control system and a link to Moore. Based upon recommendations of Bret Mills, total cost for the upgrade would amount to \$12,147.

Whereupon, motion was made by Commissioner Kent Petersen to approve the Road Department's request and authorize them to pursue the upgrading of the present system. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

#### PAYROLL WITHHOLDING PROGRAM - RESOLUTION 2-16-93

Commission Chairman Mark Justice reviewed the draft Resolution 2-16-93 wherein the County would establish a procedure for creating a payroll withholding program. This Resolution has received discussion in a previous elected officials meeting. It was his recommendation that the number of employees



required to participate in a payroll deduction program before the Auditor's office will implement such a program be set at 12. The Auditor's office will not be obligated to maintain more than 15 withholding programs at one time, with the understanding that the present programs are grandfathered into the Resolution.

Commission Chairman Mark Justice inquired if there was any other discussion in regards to the Resolution. There being none, motion was made by Commissioner Kent Petersen to approve Resolution 2-16-93 to include the recommendations as outlined by Commissioner Justice. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. (A final draft was prepared in which all signatures were provided.)

(6)

#### EMERY COUNTY SIGNING

Commission Chairman Mark Justice discussed with the Commission the possibility of an Emery County sign between Price and Helper in an effort to draw business and tourism to Emery County. The sign would be available at the rate of \$250 per month. (Most rates run between \$400 and \$600 per month.) His recommendation was to allow the Economic Development together with the Chamber of Commerce to develop the sign.

Questioned by Commissioner Dixie Thompson was that UDOT had questioned the legality of an Emery County sign being placed in another County.

It was further recommended by Commissioner Kent Petersen that any final sign be reviewed by the Emery County Commission. To which the Commission concurred.

Whereupon, motion was made by Commissioner Kent Petersen to authorize the Economic Development to proceed and investigate the Emery County signing proposal. Any final documentation needs to be approved through the County Attorney's office. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She indicated the Fair Board's need to use the Museum for exhibits this year for the Emery County Fair. She inquired of Commissioner Kent Petersen, who serves on that Board, if the Museum would be available. Commissioner Petersen indicated that the multipurpose room only would be available and this would be the last year. She further indicated they have received one bid of \$300,000 to build a Fair facility.

2. She noted that she has discussed the BLM Advisory Committee report with Bryant Anderson of Economic Development and Bevan Wilson. Wherein, it appeared that the BLM could shut down County roads because of RMB. The Emery County Commission has had no input on these recommendations. Commissioner Kent Petersen pointed out that this is an OHV Advisory Board. He recommended that the BLM come and explain to the Commission the recommendation in the use of County roads. Bryant Anderson reported on how he was appointed to that Board.

Commissioner Thompson expressed further concern in that the BLM is hiring a person to issue citations.

3. As to the Bear Hunt, that issue has passed by the house of representatives.

4. She further expressed concern where the CIB is going in that they are encouraging only loans. Commissioner Justice noted that the County needs to get better organized and be there with projects.

5. She discussed the fencing along Highway 31 up Huntington Canyon for residents. It was discussed that an update on the plan for Highway 31 be provided to see if those improvements requested on the lower end of Huntington were included.

6. She further discussed with the Commission upcoming mineral leases with the Forest Service. Wherein the portal of the mine is presently located in Carbon County and questioned who would receive those mineral lease monies.

It was the consensus of the Commission that input needs to be given to the Forest Service in approving this lease.  
Commission Chairman Mark Justice:

1. He advised those present of the plans for the Recreation District and their grant request to go before the CIB.

2. He reviewed the Public Hearing in Green River in which Olive Anderson spear-headed the Golf Course and outlined the support there. He noted that once the Course is built, being adjacent to the State Park, that the State Park would maintain and operate it after completion.

3. He also discussed the Green River building used by the Utah Highway Patrol and the lease agreement. However, no action was taken pending further investigation.

(8)

SETTING OF PUBLIC HEARING FOR COUNTY ATTORNEY SALARY INCREASE

Motion was made by Commissioner Dixie Thompson to set the Public Hearing for input concerning the proposed County Attorney salary increase for March 17, 1993. The County Attorney is to put a notice in the local newspaper and post the proper notices concerning the public hearing. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(9)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 10:38 a.m.

ComMin3-3-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

March 3, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Attorney, Mark H. Tanner.

(1)

PUBLIC HEARING - PROPOSED NEW REGULATIONS FOR ACQUISITION,  
MANAGEMENT AND  
DISPOSAL OF COUNTY PROPERTY ORDINANCE

Commission Chairman Mark Justice opened the meeting for a Public Hearing at 6:03 p.m. He invited Auditor, Karen Truman to review the proposed changes as they compare with the present Ordinance.

Road Superintendent Rex Funk inquired as to Section I on real property, in that real property shall not be purchased, leased or disposed of by the County unless the matter has first been heard in an open meeting of the County Commissioners. His question of the Commission is how this relates to the procurement of right of ways secured by the Road Department. Mr. Funk was informed that the new proposed ordinance represents no change over the present in that matter. He further requested that in the lease or disposal of real property, the advertising of said property also include the local paper.

Mr. Funk pointed out that the procedure requires that the proceeds from equipment sale be credited to the general fund. He indicated that his concern was that Class B monies are used to buy road equipment. When that equipment is sold, the proceeds need to go back into the Class B type fund.

Auditor, Karen Truman indicated to the Commission that this represents no problem since the Class B roads is part of the general fund. It is the intent of the Commission not to change the present disposition of those funds.

Mr. Funk further expressed concern in having the bids opened publicly in a regularly scheduled Commission meeting. He noted that in the past few years these have been opened in a separate meeting wherein the engineers, contractors, himself and one Commissioner were able to assemble and go over the bids at that time.

Clerk, Bruce Funk responded in that the public is better served in having those bids received and opened publicly at a regular Commission meeting.

Clerk, Bruce Funk also suggested that consideration be given allowing the Commission to waive the 100% bid and performance bonds on contracts of lesser amount than the \$25,000.

There being no other comment, Commission Chairman Mark Justice closed the public hearing at 6:16 p.m.

It was the recommendation of Commissioner Kent Petersen that because of the number of recommendations, that the Commission reconsider adoption of the Ordinance at the next Commission meeting. This was concurred by all present.

(2)  
COMMISSIONERS MINUTES

The minutes of the February 16, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

(3)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #930352 through and including #930576 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
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- 6 Repeater Parts for Cedar Mt.  
Radio - Sheriff 3,600.00 Approved
- 7 TV Translator on Horn Mt. -  
Television 21,240.00 Approved
- 8 Six Pagers and accessories -  
Ambulance 1,577.00 Approved
- 9 Utah Law Disc - Attorney 1,600.00 Approved

Whereupon, motion was made by Commissioner Dixie Thompson to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission for their consideration the following personnel matters:

- A) Sheriff's Office-David Harrison - In August 1992 Sheriff Guymon received approval to fill a vacancy within the department. The individual offered the position, Wade Allison, decided after several weeks of deliberation not to accept the offer. The Sheriff chose to wait until this time to select another applicant. He wishes to fill the vacancy with David Harrison, as Dispatcher, effective March 15, 1993, at a beginning rate of \$9.52 per hour at a Grade 10, Step A.
- B) Orangeville Library-Janitor - Upon the resignation of Rita Miles, Orangeville Library Janitor, the recruitment of a replacement was accomplished. The successful applicant is Debra Williams and will begin the janitor duties on March 3, 1993, subject to approval of the Commission. The position requires two hours per day, five days per week at a rate of \$4.25 per hour.
- C) Road Department-Wayne Maxfield - Wayne Maxfield has successfully completed six months of regular full-time service with the department and is recommended for a one step increase from a Grade 10, Step A or \$9.12 per hour to a Grade 10, Step B or \$9.32 per hour, effective March 1, 1993.
- D) Road Department-Darl Taylor - Darl Taylor was interviewed for the regular part-time Operator II position vacated by Roy Jensen's retirement. Darl was appointed to fill the nine-month temporary position as well as fill a temporary

assignment late in 1992. As temporary, he has worked in the duties of an Operator II and is well qualified to fill the position. It is, therefore, the recommendation of the department that Darl be appointed to fill the position. Subject to Commission approval, he will start March 1, 1993, at a Grade 10, Step A or \$9.12 per hour.

Motion was made by Commissioner Dixie Thompson to approve the Personnel Actions as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

E) Personnel Requisition Approval - Mrs. Snowball indicated that because of the full-time hiring of Darl Taylor in the Road Department, a nine-month position has been left vacant. It is the request of Road Superintendent Rex Funk that he be authorized to proceed in the recruitment process to fill that vacancy. Whereupon, motion was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen and approved by all members present to amend the motion to include the approval to begin the recruitment process in the Road Department as presented.

(5)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT - REFUNDING OF BONDS

Darrell Leamaster, Administrator of the Castle Valley Special Service District, came before the Commission to discuss the possibility of refunding present district bonds. He recommends the refunding for the following reasons: 1) the low interest rate presently at 5.6%; 2) the bonds become callable on August 15, 1993, and could be purchased; and 3) the District has \$1.5 million in the fund balance in debt service this year which they would apply to those bonds. He indicated that the Castle Valley Special Service District Board has reviewed the proposals and recommended that it be further investigated.

Mr. Leamaster pointed out that the actual authority lies with the Emery County Commission in doing such a refunding. Mr. Leamaster provided to the Commission a break-down of costs and savings. It is anticipated that the net savings would be \$574,140.24 at the present rates. He further noted that this would eliminate one full year on bond payments.

Whereupon, motion was made by Commissioner Dixie Thompson to authorize Mr. Leamaster to proceed further in determining the feasibility of the proposed refunding of District bonds. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

## UPDATE ON PROPOSED RECREATION DISTRICT PROJECTS AND GRANT APPLICATIONS

Commission Chairman Mark Justice informed those present that the Recreation District presently has a grant application before the Community Impact Board on several smaller projects throughout the County. This is to be considered by the CIB Board in April.

(7)

### JOB SERVICE - PLAN OF SERVICE

Colleen Evridge, Director of the Castle Dale Office of Job Service, addressed the Commission in that her purpose this evening was to receive input from the Commission into the plan of service as outlined by Job Service. She noted that this is done each year and outlined those services provided by them to the County.

She reviewed what those programs included are the JTPA program, summer youth which starts in April, her work with the elected officials and other organizations throughout the County, the Job Service Employer Committee which provides labor market information, workshops for unemployed, types of tests given and special programs and contracts with employers.

In conclusion, she indicated that she expected the placement activity of the office to be less than that of last year. Present unemployment at this time is 10.4%. She expressed appreciation to the Commission. The Commission expressed appreciation for the efforts and the fine job that Job Service provides to this area.

(8)

### EMERY COUNTY MUSEUM BOARD - REQUEST FOR FUNDS

Emery County Museum Board Representative Sharon Earl addressed the Commission, indicating the need for additional funds to complete the Museum and have exhibits on display prior to July when the Community Impact Board is expected to visit the area. The anticipated cost to complete the museum is estimated at \$16,455. She noted that the County budgets \$25,000 annually for utilities, telephone and insurance. In the past, the museum has not used all of those funds. Her request of the Commission was to release \$16,000 of those funds now and leave the balance for utilities, etc.

After further discussion, motion was made by Commissioner Kent Petersen to authorize the release of the \$16,000 as requested to complete the museum out of the \$25,000 budgeted for utilities, etc. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### EMERY HIGH SCHOOL SPARDETTE DRILL TEAM - REQUEST FOR FUNDING

Commission Chairman Mark Justice advised those present that the Commission has received a request from the Emery High Spardette Drill Team. Wherein, they have requested funding to assist with transportation costs to California. Although no amount was specified in that request, he recommended \$300 be taken from dues and contributions to assist in those costs. The Commission recognized that this is a special request, it is not a yearly contribution and it is a token contribution as to the total cost. He noted it is good for the kids and good for the people and is important for these people to participate. Whereupon, motion was made by Commissioner Kent Petersen to support the students by providing \$300 towards the transportation cost. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### CARBON-EMERY FILM COMMISSION - REQUEST FOR FUNDING

Colleen Evridge, of the Carbon-Emery Film Commission reviewed their trip to the LA Expo, which was attended by some 17,000 people at the two-day event. They displayed pictures of the San Rafael and other areas of the Carbon-Emery area. Her request of the Commission was additional funding to cover the costs of that trip. She noted that last year the cost was \$1,000. This year they have been able to hold the cost to \$900.

Commission Chairman Mark Justice indicated that the County had budgeted \$500. Mrs. Evridge responded in that those monies were used in the production of the brochures, etc. She further noted that Carbon County has contributed funds.

Whereupon, motion was made by Commissioner Kent Petersen to contribute \$200 towards reimbursement of those expenses incurred by the Carbon-Emery Film Commission in sending two people to the LA Expo. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### BLM BUSINESS

Penelope Smalley, BLM Area Manager, discussed with the Commission and those present the filming permits and the appeal procedure. She addressed those concerns raised by Colleen Evridge in her discussion of the efforts of the Carbon-Emery Film Commission and the permitting required on BLM property.

Rueben Condie was then introduced to the Commission as the new Law Enforcement Officer. She noted that he has transferred here from the U.S. Border Patrol. Mr. Condie outlined his duties and responsibilities in the enforcement of Federal Laws on public lands. He was encouraged by the Commission to go through



an education process for the local citizens. Further questions were raised as to jurisdiction in search and rescue and other law enforcement related activities which may involve the Emery County Sheriff's Department.

Ms. Smalley also pointed out the San Rafael Bridge campground has two new toilet facilities installed and expressed appreciation to the Commission for the cooperation of the County. She indicated they would proceed with the graveling during the Summer and Fall to which the County has agreed to participate. She further requested cooperation in the removal of old abandoned cars on the desert. It was the recommendation of the Commission that she work with Road Superintendent Rex Funk and those Commissioners over the Road Department and the County would assist in any way possible.

Ms. Smalley further inquired of the Commission if the BLM would be in receipt of the \$20,000 reclamation bond on the Buckhorn Wash project to which they responded that would be forth coming.

She reviewed the OHV Advisory Committee recommendation together with Tom Gnojik wherein 70% of the San Rafael area has been closed to off highway vehicles except on designated roads and trails. Although signing has not been completed, an area south and east of Highway 24 is open to OHV vehicles. The plans are still in the preliminary stages. She pointed out that only non-county roads will be considered in the OHV plan. Designation of each road will be reviewed and accepted by the Advisory Committee for designation.

Wayne Ludinton reviewed with the Commission and those present the Wedge restrictions which are still in effect this year. He pointed out that they had good results last year and they intend to continue this year.

Commission Chairman Mark Justice noted that the Commission felt good in support of their efforts last year. However, Commissioner Justice inquired as to continued livestock limitations in light of the increased moisture. Ms. Smalley responded in that all restrictions have been removed this year.

(12)

#### EMERY COUNTY CENTENNIAL COMMISSION

Montell Seely, Chairman of the Emery County Centennial Commission, noted that in 1996 Utah will celebrate its state hood in a state-wide centennial celebration. Projects and activities looked at in Emery County are the restoration of the Indian Pictographs in Buckhorn Wash. The Commission, by motion of Commissioner Dixie Thompson offered support in that effort and the Emery County Centennial Commission in the restoration of the Indian Pictographs as requested. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

Mr. Seely continued in that as part of the Pageant this year that there would be

a rustic farm machinery show July 29, 30 and 31. He reviewed what would take place during that time. His request of the Commission was the use of a County low-boy to haul a steam engine for use in those activities. The Commission responded in that they would take this under advisement.

Mr. Seely indicated that the Pageant this year has been increased to eight days. They are expecting 28,000 to 30,000 people to attend. He further requested of the Commission additional gravel in the parking lots. The Commission responded in that they would assist where possible.

(13)

WILLIAM L. STOKES - FUNDING REQUEST FOR FIELD WORK AT THE CLEVELAND-LLOYD QUARRY

Commission Chairman Mark Justice noted that the Commission had budgeted funds under Dues and Contributions for participation in this project. Therefore, it was his recommendation that the Commission fund the field work and a manuscript on localization of dinosaur bone bed at the Cleveland-Lloyd Quarry. Whereupon, motion was made by Commissioner Kent Petersen to contribute \$500 to that project. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

EMERY COUNTY FOOTBALL LEAGUE - REQUEST FOR FUNDING OF UNIFORMS

Commission Chairman Mark Justice noted that funds for football uniforms have been budgeted in the Recreation Budget. After further discussion, motion was made by Commissioner Kent Petersen to authorize \$2000 to the Football League for the purchase of uniforms. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

BOARD MEMBER APPOINTMENT TO THE SOUTHEASTERN UTAH BOARD OF HEALTH

Commissioner Kent Petersen recommended the reappointment of John Crawford as a Board Member to the Southeastern Utah Board of Health for one additional term. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16) BOARD MEMBER APPOINTMENT TO THE EMERY COUNTY NURSING HOME BOARD

Commission Chairman Mark Justice recommended Frieda Fillmore of Cleveland to be appointed to the Emery County Nursing Home Board of Directors. This having been

reviewed and recommended by the Nursing Home Board. Whereupon, motion was made by Commissioner Kent Petersen to appoint Frieda Fillmore to the Emery County Nursing Home Board as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk reviewed with the Commission pending Road Department projects.

A) FAS Bridge Project - They would like to solicit FAS participation on the rehabilitation of certain bridges.

B) Ghost Road Right-of-Ways - Also discussed were the easements on Ghost Road in which he has negotiated right-of-ways which the Commission signed claims approving payment to the land owners for those right-of-ways.

C) Sand Wash Culvert Project - Of prime concern was the Sand Wash Culvert project. Mr. Funk noted that the Sand Wash banks are eroding and sloughing into the Wash. The County road is located immediately adjacent to the Wash. In turn, this is causing the road to slough into Sand Wash. His recommendation was the installation of a 14'10" X 9'X1" multiplate culvert in the Wash to stabilize the County Road. Estimated costs are \$207,000 with engineering costs of approximately \$22,700. This is to be funded out of the County Flood Budget. This is an emergency priority project for the Road Department.

Whereupon, motion was made by Commissioner Kent Petersen to approve the Sand Wash Culvert Project and proceed in the solicitation of bids. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

D) Collector Roads - Mr. Funk presented to the Commission a list of the major and minor collector roads, listing those roads in Emery County with the request from the State as to recommendations for upgrading and any priority. Whereupon, it was the consensus of the Commission that this matter be tabled to further evaluate and to come back with a recommendation.

E) Abandonment of County Road in Cleveland - Mr. Boyd Griffin of Cleveland came before the Commission in regards to an old County road which had been abandoned. Mr. Funk indicated that there is no record at the Road Department of County ownership of that road. However, Recorder, Ina Lee Magnuson pointed out that it is reflected on the County plats. Mr. Griffin informed the Commission that he has just had it surveyed. His request would be to locate his property line along the vacated road, deeding the properties equally to owners on both sides.

Whereupon, motion was made by Commissioner Dixie Thompson wherein the County wishes to dispose of said County property, that the County Attorney's office be authorized to proceed with the preparation of the necessary paper work to complete the abandonment and disposition of the property as requested. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

#### AMBULANCE RATE INCREASES

Commission Chairman Mark Justice asked that this matter be tabled at this time as they are not presently prepared to discuss this at this time.

#### (19) HOME DELIVERED MEALS FOR AGING/SENIORS - BUDGET READJUSTMENT

Commission Chairman Mark Justice recognized that in the preparation of the 1993 budget, the budget submitted by Mr. Maughn Guymon had been cut. Therefore, this jeopardized programs. It was pointed out that the County could make the necessary adjustments in that they would be reopening the Emery County General Revenue and Expenditure Budgets in June of 1993 and that required monies could be placed in at that time. Whereupon, motion was made by Commissioner Kent Petersen fund Mr. Guymon's original budget request and that those funds be adjusted back into that program at such a time the County budget is reopened. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(20)

#### FUNDING OF THE CLEVELAND/ELMO NATURAL GAS PROJECT

Commission Chairman Mark Justice recognized Mayor Ron Van Wagoner of Cleveland and Mayor Doyle Jensen of Elmo who were in attendance. Mr. Jensen briefly outlined efforts to this point by the two communities in working through the Public Service Commission. Their request of the County was for \$100,000 for construction with the communities coming up with an additional \$50,000. The balance of the required funds would be a hook-up fee.

The Commission complimented the Mayors in their efforts and indicated they would assist where possible.

(21)

#### PRIORITIZATION OF CAPITAL PROJECTS FOR 1993

The following capital projects were recommended by Commission Chairman Mark Justice, noting that the County has approximately \$600,000 to expend on projects. His recommendations are as follows: Cleveland/Elmo Gas Project -

\$60,000; Emery Television - \$80,000; Road Shop partial completion - \$230,000; Replacement Fuel Facility at Airport - \$40,000; Green River Ambulance Garage - \$80,000; Economic Development - \$60,000; Sheriff's Office Sally Port Remodeling - \$20,000; Courthouse Lighting Project - \$5,000 for a total of \$575,000.

Commissioner Kent Petersen recommended that the Economic Development amount of \$60,000 be a separate item and the last item on the priority due to concerns expressed. Therefore, he made a motion to approve all projects from the capital project fund, excluding at this time the Economic Development Industrial Park request for \$60,000. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commissioner Kent Petersen's second motion was to approve the Economic Development Request for \$60,000 for an Industrial Park. Motion was seconded by Commission Chairman Mark Justice. Commissioner Dixie Thompson voted in opposition. Whereupon, motion passed.

(22)

#### DISCUSSION OF COMPREHENSIVE PLANNING PROJECTS

Commission Chairman Mark Justice noted that he has received a call from Mike Forcik who is involved in a land planning project. His concern which he expressed to Mr. Forcik was whether this was the same project done through the Utah Association of Counties and if the County planning and zoning people have been included. He indicated that in the setting up of a public hearing, this should be through the Commission. Of concern was that he, as the Commissioner over the County Comprehensive Planning Project, had not been informed of this activity and that any such planning project should have gone through him.

Commissioner Dixie Thompson responded in that this is an interim planning project in which he has been working with other Counties. At this time, Mr. Forcik outlined to the Commission the purpose of his group's efforts. Whereupon, the Commission recommended that he be included as part of the County Comprehensive plan and that both groups would work closer together.

(23)

#### STATE-WIDE JUSTICE COURT SALARY SURVEY

Commission Secretary Leslie Bolinder presented to the Commission the results of a State-wide Justice Court Salary Survey. This having been done at the request of the Commission. She concluded as a result of the survey that the County Justice Court Judges are very well paid in comparison to judges throughout the State.

At this time, Emery County Justice Court Judge Stan Truman responded in that he did not agree with the results of the survey. He wished the County would have

contacted him for further clarification as to the types and classes of Courts in the State. He noted that Emery County is a Class 2 Court. Such a class has a case load of 2,400 to 6,000 cases. He further noted that he serves in a position which represents all of the judges in the State. He was concerned about the unfairness of how some judges were being paid. The salaries are low throughout the State Court system.

Mr. Truman reiterated the past intent of the State to take over the Justice Court system in past years because of the revenue generated. But through the efforts of the Justice Court Judges and the Association of Counties, this has not happened. He reviewed the cost of the County Justice Court System and the revenues received through the Courts. Revenues for 1992 were in the amount of \$354,288 in fines. Costs to operate the Court were \$150,549. He felt that he should make the same as the County's Chief Law Enforcement officer. He reviewed the continued requirements for Justice Court Judge certification.

Commission Chairman Mark Justice at this time indicated that the purpose of the survey was that the UAC annually does a salary survey to see how various elected officials compare and any similarities. It was the concern of the Commission to make sure that they were fair to County Justice Court Judges and that the pay was close to comparable sized counties. Therefore, this information was solicited only in order to make a determination as to where Emery County was in relation to salaries for Justice Court Judges. He noted that the County has good, capable judges and the Commission wants to make sure that they were being compensated fairly.

Mr. Truman presented to the Commission a recommended salary schedule for Justice Court Judges as prepared by the Administrative Office of the Courts and Judicial Council.

No action was required on this matter at this time.

(24)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 9:38 p.m.

ComMin3-17-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

March 17, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; Clerk, Bruce C. Funk; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Clerk, Bruce Funk.

(1)

**PUBLIC HEARING - SALARY INCREASE FOR EMERY COUNTY ATTORNEY  
AND DEPUTY ATTORNEY**

Commission Chairman Mark Justice opened the meeting at this time for a public hearing to receive public comment on a proposed salary increase for the Emery County Attorney and Deputy Attorney.

Les Wickersham, Castle Dale - He questioned Mr. Tanner in that when he ran for County Attorney, did he not know what the salary was and why a salary adjustment request after such a short time of service. He later suggested that such an increase be put to the vote of the people by referendum. He commented that such a public hearing should not be during regular working hours which makes it impossible for others to attend. He further pointed out that he was not opposed to elected officials receiving annual increases.

Mr. Tanner in responding pointed out that Mr. Johansen had been paid approximately \$52,000 to \$54,000 for 3/4 time. Ms. Geary upon being appointed as County Attorney had negotiated a salary increase to \$50,100. He indicated he was aware of what the salary was. However, he pointed out that Ms. Geary had anticipated the hiring of an additional Deputy Attorney. Whereas, the Attorney's office will now proceed with the present staffing.

Recorder, Ina Lee Magnuson - She expressed concern over the cost in that she has been turned down for additional deputies in her office or salary increases.  
Seretia Snow - She pointed out that Mr. Tanner does not have the years of experience that Mr. Johansen did. She felt Mr. Tanner should go through a probationary or interim period.

Commissioner Dixie Thompson pointed out that no one knows what the job is like until after they get into a position. Mr. Tanner is putting many years of experience in there. The Attorney's office is very difficult. There is a number of things that have been on hold that are critical to the County. The Commission has a better understanding of those things.

Carol Riddle, Assessor's Office - She inquired if the present make-up and

salaries of the attorney's office and staff would remain the same.

Mr. Tanner responded in that unless parameters change significantly that the staffing and contract with Teresa Manzanares would stay as it is presently constituted.

Kent Wilson, Huntington - He inquired as to the State average for County Attorneys. He inquired as to what action would be taken in lite of the opposition to increase as expressed in the public hearing today.

Commission Chairman Mark Justice indicated that the Commission would have to do what they think is right and proper and in the best interest of the County. He pointed out that in his opinion the County is adequately staffed and his reasons for skepticism in the hiring of new hires throughout the County.

Warne Linton - He indicated he didn't think any elected official should take less than what they could be making in the private sector.

Commissioner Kent Petersen indicated that the position is that of a professional and that it does require proper training and experience. Mr. Tanner has received voter confidence. The County needs to attract and keep professionals and well qualified employees and elected officials. The position is considered a full-time position.

Commissioner Dixie Thompson stated that the Commission represents the voters. It is her hope that the voters have confidence in them as a Commission because of their broader understanding in this matter.

Commission Chairman Mark Justice expressed appreciation for those being in attendance and their comments. He pointed out that this is a money management issue. The Commission will have to be responsible and determine whether it would be beneficial to hire additional staff or increase the present staff's salaries. In conclusion, he stated that he supported such an increase.

There being no other comments, Commission Chairman Mark Justice closed the public hearing at 10:06 a.m.

(2)

#### COUNTY ATTORNEY AND DEPUTY ATTORNEY SALARY INCREASES

After conclusion of the Public Hearing, motion was made by Commissioner Kent Petersen to set the salary of the Emery County Attorney at \$65,000 annually and the Deputy County Attorney at \$55,000. Whereupon, motion was seconded by Commissioner Dixie Thompson and approved by all members present.



(3)

#### RECOGNITION OF VAUGHN WAYMAN SERVICE TO CASTLE COUNTRY TRAVEL COUNCIL

At this time, the Commission recognized Mr. Vaughn Wayman who has served as the Director of the Castle Country Travel Council. He was recognized for his outstanding contributions to the Council and presented him with a plaque on behalf of the Commission.

Mr. Wayman is resigning from service on the council. Mr. Wayman expressed appreciation to the Commission and indicated it has been a pleasure to work for the travel council and the Counties and thanked them for that opportunity.

(4)

#### OWEN OLSEN - SAND WASH PROJECT CONCERNS

Mr. Owen Olsen came before the Commission reviewing the approved Sand Wash Culvert Project which is to take place East of Cleveland. His purpose before the Commission was to address concerns in that in the last fifteen years a number of floods have run up over the road and across the farm. His concern is that full trees would plug up the culvert, possibly causing increased damage to home and property owners. He further inquired if there were contingency plans should the culvert be plugged.

Mr. Craig Johansen of Johansen and Tuttle Engineering responded in that provisions are made to allow the river to flow over the top of the culvert. It would be rip-rapped. He further pointed out that obstructions in the Wash would be greatly reduced if the adjoining land owners would clean such obstructions from the wash.

(5)

#### FIVE MINUTE RECESS

Commission Chairman Mark Justice recessed the meeting at 10:25 a.m. for a five minute recess. The meeting reconvened at 10:30 a.m. with all members present.

(6)

#### COMMISSIONERS MINUTES

The minutes of the March 3, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

(7)

#### PMSI HARDWARE AND SOFTWARE MAINTENANCE AGREEMENTS

Clerk, Bruce Funk informed the Commission that signed maintenance agreements have been received back from Progressive Management Services, Inc. It was his request of the Commission that they ratify the signing of those agreements and the amounts shown. Whereupon, Auditor, Karen Truman further suggested that the Commission consider putting together a Data Processing Advisory Committee to review the present system and software.

Whereupon, motion was made by Commissioner Dixie Thompson to ratify the signing of the hardware and software agreement as submitted by PMSI, having previously been signed by Commissioner Kent Petersen and also to approve the study group to determine the direction the County in the future would like to pursue in regards to data processing. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman presented Warrant/Check Edit List #930584 through and including #930797 for payment.

Req. #	Item and Description	Amount	Action
10	Time, date and numbering stamp - Recorder	503.00	Approved
11	Flat bed for Ford Chassis - Road	1,587.00	Approved

(9)

#### FOREST SERVICE UPDATE

Ira Hatch, District Ranger; and George Morris of the Forest Service came before the Commission to give them a Forest Service update. Mr. Morris thanked the Commission for the opportunity to meet with them and keep them updated on Forest Service developments. He urged the Commission to keep in close contact with Ira Hatch to keep up-to-date on what is happening in the Forest.

Mr. Hatch presented to the Commission a recent Snotel report. He reviewed the various areas of the County and the amounts of water in those areas. Commissioner Dixie Thompson questioned the possible need of sandbags this Spring. Mr. Hatch indicated he would like to be on a committee to coordinate sandbagging needs for the County.

Craig Johansen, of Johansen and Tuttle Engineering, addressed the possible

problem areas this Spring due to the run off. He indicated Ferron Creek will be the one that will cause the most problems to the County.

Mr. Hatch presented each Commissioner with a Forest Service travel map of the area. He went over the Forest Service's recommendations to take antlerless animals and the continuation of the depredation hunt.

Mr. Hatch went over an application they have received from Pacificorp to connect up the Wilberg-Cottonwood Mine Complex with the Trail Mountain Complex. The Forest Service has received a proposal and are evaluating that at this point in time. He indicated they want the Commission's input because it is going to involve the County road. There are three main proposals at this time: 1) No action; 2) Connect underground which would pass under Cottonwood Canyon Creek; or 3) Break out on the east side of the Canyon and have an overhead conveyor system entering the mine. There are some tight time frames with this project. We are working with them and evaluating it. He indicated they have solicited input and would like the Commission's input as well.

Commissioner Kent Petersen indicated he felt the overhead conveyor seems like the best way to do it, rather than going underneath the creek. Mr. Hatch indicated the Forest Service feels the same way.

Mr. Hatch went over the predator control in the County. He indicated Fish Lake and Dixie each have programs at this time. He indicated they want to try non-lethal methods before lethal methods. He indicated it is working well and are pleased with the control.

Mr. Hatch further went on to invite the Commissioners to view the Swalls project. He indicated they are going to be upgrading their facilities at Joe's Valley. He indicated Ferron Reservoir is completed and is now filling. He informed the Commission of the epidemic of Spruce Beetles.

The Commission thanked Mr. Hatch and Mr. Morris for coming before the Commission today.

(10)

#### AGREEMENT BETWEEN EMERY COUNTY AND FOREST SERVICE FOR NOXIOUS WEED CONTROL

Mr. Ira Hatch, District Ranger of the Forest Service, presented to the Commission an Agreement and Memorandum of Understanding to the Commission between Emery County and the Forest Service for Noxious Weed Control. He indicated this is to enable the Forest Service and Emery County to work together in this effort and to make each entity's resources go farther.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the Agreement and Memorandum of

Understanding between Emery County and the Forest Service for Noxious Weed Control as presented. Motion was approved by all members present.

(11)

#### EMERY CITY - TELEVISION PROJECT

Craig Johansen, of Johansen and Tuttle Engineering; Bret Mills, County Communications Specialist; and members of the Emery City Council came before the Commission. Mr. Johansen informed the Commission that they have received completed proposals from Skaggs and Utah Communications on the television project for Emery City.

After discussion, it was the consensus of those present and motion was made by Commissioner Dixie Thompson to accept the low bid from Skaggs Telecommunication for seven translators. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

Motion was made by Commissioner Kent Petersen to accept the low bid from Ernest Jensen as the Contractor for the project and Johansen and Tuttle Engineering as the Engineers for the project. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commission Chairman Mark Justice informed those present that this project is the number one project this year and money has already been budgeted. He indicated this is a joint and good cooperative effort.

(12)

#### CASTLE DATE CITY SWIMMING POOL

Mr. Ross Huntington came before the Commission to discuss the ceiling at the Castle Dale City Swimming Pool and solicit \$14,000 to \$15,000 to help pay for replacement with a new ceiling. He indicated he feels the ceiling is unsafe and liability is high.

Commission Chairman Mark Justice questioned when the pool is cited to be opened for the season and indicated he feels the pool is deserving of county support. Commissioner Kent Petersen agreed that the County should do something to help, but inquired where the funds would come from. He suggested going to the Community Impact Board, however, funds would probably not be made available for this year. He suggested this item be considered at budget time.

Commissioner Petersen suggested removing the unsafe tiles this year to limit the liability. Commissioner Justice tabled this item and indicated he will get together with Mr. Huntington to discuss this matter further.

(13)

EMERY JONES - REQUEST FOR FUNDS

Emery Jones from the Emery High School Peer helpers came before the Commission to request support in the amount of \$590 to send six students to the University of Utah School for Alcohol and Drugs. He informed the Commission that in the past few years substance abuse at the school has gone from 32% to 17%, drug abuse from 22% to 2% and smoking from 20% to 9%. He indicated the success of the peer helpers is because they have kids that know how to help other kids with these problems. He indicated they send six students every year to this training. He inquired about the possible use of the County's DUI funds as a source.

Sheriff, Lamar Guymon at this time informed Mr. Jones the Sheriff's office will give them the money from the County's confiscated drug fund budget.

Whereupon, motion was made by Commissioner Dixie Thompson that the County support the Emery County Peer helpers in the amount of \$600 with the funds coming from the County's confiscated drug funds. She further suggested to Mr. Jones that because this is a yearly request that this possibly be considered at budget time for next year. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

CASTLE VALLEY SPECIAL SERVICE DISTRICT - CONSIDERATION OF A RESOLUTION TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION TAXABLE REFUNDING BONDS

Darrell Leamaster, from the Castle Valley Special Service District, introduced Kent Minchie, Mac Bunderson and Dorr Hansen to the Commission. Mr. Minchie, from Zions First National Bank, addressed the Commission and discussed that the CVSSD has the opportunity to refund General Obligation Bonds at this time. He informed the Commission that now is a very good time to do this because of the interest rates being low at this time. He indicated if this is done now, it will shorten CVSSD's debt by one full year. He further reviewed with the Commission the perimeters of the Resolution.

Whereupon, after further discussion, motion was made by Commissioner Dixie Thompson to approve the issuance of the Castle Valley Special Service District General Obligation Taxable Refunding Bonds as discussed. Motion was seconded by Commissioner Kent Petersen who inquired if the bonds will go out for bidding. Mr. Minchie informed the Commission that the bonds will be offered throughout

the Nation, however, most of them will come from Utah. Mr. Leamaster further indicated that this cannot be done without a 30-day advertising process. Whereupon, motion was approved by all members present.

(15)

#### DISCUSSION OF OHV COMMITTEE MEETING

Commissioner Kent Petersen discussed with the Commission a recent Committee meeting he attended with the BLM. He went over some of the highlights of the meeting and indicated it is a good process for the County to be involved with. The Committee has suggested there being one more person from Emery County to be on the Committee.

Commission Chairman Mark Justice informed those present that Bryant Anderson is presently on the Committee. However, he feels because of Bryant's other obligations, he should step aside. He suggested either Commissioner Dixie Thompson or Kent Petersen be on the Committee.

Commissioner Kent Petersen indicated he is already a member of the Committee. Whereupon, Commission Chairman Mark Justice requested Commissioner Dixie Thompson to either be on the Committee herself or to appoint someone else.

(16)

#### GORDON HILLIER - COUNTY HEALTH INSURANCE UPDATE

Mr. Gordon Hillier discussed with the Commission the County's health insurance. He indicated the costs this year are 2% less than last year. He indicated the claims are consistent with what they were last year. He discussed the reinsurance. He informed the Commission the County is continuing to build its reserve and right now there is \$65,000 in that reserve. He further indicated that the premiums for the reinsurance will not go up significantly this year.

Commissioner Dixie Thompson informed Mr. Hillier that she is unhappy with the coordination of benefits and the timeliness of payments. She indicated she feels CBSA is falling short on trained people. Mr. Hillier responded that there are other claims payers besides CBSA and there are other options for the County to keep in mind.

Mr. Hillier presented to the Commission for their review a copy of the policy for the County Health Insurance to which Commissioner Thompson signed for receipt of said policy.

The Commission thanked Mr. Hillier for the update.

(17)

## PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Julie Truman-Treasurer's Office - Julie Truman has been selected to fill the 3/4 time vacancy in the State Tax Commission Office, effective March 10, 1993, at a Grade 4, Step A, or \$7.11 per hour.

Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent

Petersen to approve the hiring of Julie Truman as presented. Motion was approved by all members present.

B) Justice Court Part-Time Employee - Approval is sought to hire a part-time employee to "work less than twenty (20) hours each week". Hours worked, however, will be flexible so that the office may get the work done during high capacity periods during the year. This position was included in the 1993 budget.

Commission Chairman Mark Justice indicated he feels there is a need in the Justice Court to take care of the problem. However, he feels a temporary worker should be considered so as not to obligate the County on a permanent basis.

Judge Stan Truman indicated a recent survey conducted by the Commission shows his office has 1-1/2 clerks which he does not have. He only has one clerk. He went on to say that the Commission does not know how his office is run. He further went on to say that the Green River Justice Court has 1-1/2 clerks. Judge Truman indicated that the Green River location has a lot of mail to take care of rather than the people actually coming into the office as is the case in the Castle Dale location. He indicated he is currently behind in his reporting because of the back log. He went on to say that the Green River location's case load has gone down this year over last year. He informed the Commission that when it is time to recertify the Justice Court, he will not be able to sign off his court because he cannot say he has been given adequate clerical help. He indicated this position was approved at budget time.

Commission Chairman Mark Justice informed Judge Truman that the Green River Justice Court only has one clerk who has been out ill a lot in the recent past. Because of this, Judge Burns has utilized another clerk from a different office in her location. He indicated that Judge Truman has requested the boundary changes of the Justice Courts in the recent past. If Judge Truman is getting too much of a case load, maybe the boundaries need to be changed again to give Green River back some of that case load. Commission Chairman Justice indicated he wants a solution to problems rather than hiring more people and spending more money. He indicated the Commission needs to control overall hours rather than

approving more people. He informed Judge Truman that it is the Commission's decision rather to approve this or not.

Whereupon, motion was made by Commissioner Kent Petersen to approve the hiring of a temporary employee in the Justice Court. Motion was seconded by Commission Chairman Mark Justice. Commissioner Dixie Thompson expressed concern in certifying the Court, but opposed the motion. Whereupon, motion passed.

C) Payment to Employees for Lunch Time - Mrs. Snowball informed the Commission that certain employees in the County are being paid for lunch time. She indicated she would like to discuss this matter with the Commission in specifics with the Department Heads in Executive Session. However, the Commission did not go into Executive Session for this discussion.

Auditor, Karen Truman informed the Commission that she has been getting time sheets from a certain department in which employees are being paid for their lunch time. At this time, Sheriff, Lamar Guymon informed the Commission that these are coming from his department. He indicated that on these, the lunch times were not taken. Mrs. Truman indicated when you call to talk to someone and they are at lunch, it appears to her that the lunch time is taken. Sheriff Guymon indicated he would look into this.

Commission Chairman Mark Justice indicated that the policy needs to be reviewed and they might have to make modifications. He further indicated that there are unique situations in the Sheriff's office where lunch time cannot be taken, as with the deputies. Mrs. Snowball indicated that according to FLSA, the County does not have to pay for lunch time taken.

Whereupon, after further discussion, motion was made by Commissioner Kent Petersen to approve and pay the time sheets in dispute for this pay period and look further into this matter before the next pay period ends and come up with a solution. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(18)

#### COMMISSION REPORTS

Commissioner Dixie Thompson reviewed with the Commission her recent trip to Washington D.C.:

1. She indicated it is important to get to know your congress people and especially the staff people.
2. She indicated she is impressed with Lobbyist, Bob Weidner. She feels the County's investment in him is money well spent. She feels he will be productive for the County.



3. She briefly went over the grazing fees for the BLM and the incentive program there.

(19)

MEETING ADJOURNED

Commission Chairman Mark Justice adjourned the meeting at 1:25 p.m.

ATTEST

CHAIRMAN

ComMin4-7-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

April 7, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

COMMISSIONERS MINUTES

The minutes of the March 17, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #930812 through and including #931019 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
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- 12 Two chairs - Sheriff 600.00 Approved
- 13 Four Ramchargers - Sheriff 77,112.00 Approved
- 14 One Ranger Pickup - Road 7,573.00 Approved
- 15 One tire impact wrench - Road 399.95 Approved

Motion was made by Commissioner Dixie Thompson to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

#### "NAME THOSE COMMISSIONERS" CONTEST WINNER

Commission Secretary, Leslie Bolinder gave the results of the "Name Those Commissioners" contest, sponsored by the Emery County Commission during the month of February as part of the Utah Centennial project. The contest was done in an effort to determine the previous County Commissioners and is part of an effort to obtain pictures and display them in the Courthouse. Jerilyn Mathis was the winner of the contest and she was given a gift provided through the Emery County Museum gift shop. The Commission expressed appreciation to her for her fine effort.

(4)

#### UTAH STATE PARKS AND RECREATION DIRECTOR

Blaine Luke, of Green River, Utah, introduced Cortland Nelson as the State Director of the Utah State Parks. Mr. Nelson indicated his purpose in coming before the Commission was to get acquainted and discussed activities they are doing in getting ready for the state-wide centennial celebration. He invited the Commission to involve his staff in local efforts. They are presently working on roads and facilities this year. Next year they will work towards programs. They have never had funds to improve State Park roads until this year in which they have \$400,000 for the State. He noted that Kean Luke, Park Supervisor from Orangeville, is retiring and will be replaced. He discussed the water outlook for Scofield. He noted that he is working with Green River on the Golf Course and addressed questions raised by the Commission. Concern was also discussed in the size of the proposed Green River golf course and the need to consider expanding the property size.

Commissioner Dixie Thompson expressed concern in that UDOT, State Parks and the Federal Government should not procure lands in which they cannot take care of.

If they do not want them to be an embarrassment when they are neglected.

Discussed was the Millsite State Park usage, the possibility of increasing the number of campsites there, possible expansion onto BLM property and what their action would be should a private developer consider developing campsites.

Commission Secretary Leslie Bolinder asked for brochures of State Parks in the County and further requested a one-page commentary on each of the parks by the Park Supervisor. These could be included in packets sent out on Emery County.

(5)

#### PURCHASE OF WATER SHARES FOR THE HUNTINGTON BALL COMPLEX

Commission Chairman Mark Justice discussed the need to possibly purchase water shares for the Huntington Ball Complex. He noted that the County does not own any water and has previously leased water at \$5.00 per share. Those individuals from where the County previously leased shares are now interested in selling those shares. He noted that water shares are hard to find particularly in drought years. The cost of the shares would be \$150 per share for 60 shares. He indicated that Grant Wilson has been contacted and indicates that this is a good price for each share of water. He noted that the range normally is between \$130 and \$300 per share.

Commissioner Kent Petersen recommended the purchase in order to maintain the facilities in Huntington.

Commissioner Dixie Thompson inquired as to the establishment of user fees over a five year period to cover the water and concern that only certain areas of the County are receiving funding of projects.

Commissioner Kent Petersen further recommended that the Commission look into a user fee. It was his motion to approve the purchase and asked that the Recreation Board look into a user fee and respond back to the Commission and that these funds be taken from the Capital Projects fund. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

#### UAC FULL COST ALLOCATION PROPOSAL

Commission Chairman Mark Justice noted the need to sign the agreement submitted to Emery County. Wherein the County agrees to participate in the County's group development of a full cost allocation plan. Wherein, the participating Counties receive full cost allocation plans to be used by management in determining costs of assessing and collecting property tax, insurance of sufficient charges for services provided by the Counties and reimbursement of appropriate State and Federal programs as well as many other uses. A program itself is licensed

through the Utah Association of Counties. Wherein, Emery County would agree to participate in the funding of the group cost through an annual contribution.

Auditor, Karen Truman strongly recommended the County participation.

Whereupon, motion was made by Commissioner Dixie Thompson to participate in the full cost allocation plan. Motion was seconded by Commissioner Kent Petersen and approved by all members present. (Actual annual cost was not disclosed at this time.)

(7)

SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS -  
AMENDMENT #1 TO FY93 EMERY  
AGING CONTRACT

By memorandum submitted to Commission Chairman Mark Justice, he discussed with those present the amendment #1 to the Emery Aging Contract. Wherein this is no increased cost to Emery County and it is basically a reallocation of money. This covers increases in Federal and State dollars for nutrition and SEAULG socialization. It also covers increase in nutrition of local dollars for the home delivered meal program.

Whereupon, motion was made by Commissioner Kent Petersen to accept and authorize the signing of the amendment #1 by Emery County. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

ALLOCATING COSTS FOR ASSESSING AND COLLECTING ON PROPERTY  
TAXES

Auditor, Karen Truman discussed with the Commission and those present the new law as it relates to costs which the County can assess for assessing and collecting. It was further noted that this would be approximately \$100,000 short as compared to 1991 and even more as compared to 1992 and 1993. Her request of the Commission was to ask each of the offices, i.e., Treasurer, Auditor, Assessor, Recorder and Attorney's office, to keep a record of the time for assessing and collecting property taxes and that the funds generated be put into a separate fund and be reimbursed out of that fund.

Whereupon, motion was made by Commissioner Dixie Thompson to support the recommendation of the County Auditor in that offices indicated keep accurate time and expenses incurred in the assessing and collecting of property taxes. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

## PROPERTY TAX EXTENSIONS

Treasurer, JoAnn Behling proposed to the Commission that property tax extensions be given to the following three property owners in that they have made application to Emery County:

- 1) Nate and Golda May Heath in the amount of \$436.95. She pointed out that the Heath's expect to make a payment in May.
- 2) Dale and Delta Rogers in the amount of \$3,674.49. She noted that they have cleared all but one property.
- 3) George and Ann Riley on four vacant lots in the amount of \$2,204.87.

It was recommended to Treasurer, JoAnn Behling that individuals entering into agreements for tax extensions with the County are to provide some type of down payment or good faith money towards those costs and that she work this on an individual basis with each applicant.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the recommended property tax extensions to Nate and Golda May Heath in the amount of \$436.95, Dale and Delta Rogers in the amount of \$3,674.49 and George and Ann Riley in the amount of \$2,204.87 as discussed. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

## CASTLE DALE CITY SWIMMING POOL FUNDING REQUEST

Commission Chairman Mark Justice addressed the Commission in a follow-up to Castle Dale City's request in the last Commission meeting for funds. The requested funds were for repair work to the swimming pool ceiling. However, due to the insufficient time to repair the ceiling, it was his further recommendation that the city work with the Recreation District and possibly make a request to the Community Impact Board for those funds. Therefore, the request to the County for funds would be denied at this time.

Commissioner Dixie Thompson further noted that such a request should be made at budget time.

(10)

## EMERGENCY PREVENTATIVE MAINTENANCE ON FLOOD CHANNELS

Mr. Craig Johansen of Johansen and Tuttle Engineering addressed the Commission requesting their signature to a letter his office has prepared to Mr. Mark Page of the State Engineer's Office. Wherein, Emery County requests permission to work on the following flood channels in order to avoid damage as a result of possible spring flooding. The project as outlined in the letter were:

1) Ferron Creek

a) Near Ferron Subdivision - excavate on accumulation of gravel deposit and reinforce lower bank with large rip rap. About 300 feet of channel work is required.

b) Muddy Lane Dip - excavate gravel bar and vegetation immediately upstream of the structure to form a basin that will allow favorable hydraulic entrance conditions for the structure. An area about 100' x 200' will be removed from the site. Excavation will not go below the existing channel grade.

c) Molen Lane Dip - excavate gravel bar immediately upstream of the structure. An area about 50' x 200' will be removed from the channel. Excavation will not go below the existing channel grade.

2) Cottonwood Creek

a) Orangeville City Bridge - naturally deposited gravel, upstream of the bridge, limits the capacity of the structure. The material will be removed from the channel and under the bridge. About 300' of channel work is required. Rip rap a lower bank is also recommended.

3) Huntington Creek

a) Grange Spur Dip - remove gravel bar and debris immediately downstream of the structure to avoid directing the flow into the Huntington Sewer lagoon dikes. Rip rap the toe of the dike to prevent damage.

It was further noted that the water is expected to flow within the next 10 days. His request both of Mr. Page and the Commission was authorization to proceed immediately, with the Commission considering one of two options in order to get the work done. The first option would be to get a unit price from contractors on their equipment and then the County select the lowest bid. The other option would be to assign the work and spread the work out through various contractors. This would be more expeditious.

Commissioner Kent Petersen recommended the second option in that it would speed things up. The estimated costs would be under \$10,000 with Mr. Johansen and Road Superintendent Rex Funk working out the rates and work with the individual contractors.

Whereupon, motion was made by Commissioner Kent Petersen to proceed immediately with the preventative maintenance as outlined by Mr. Johansen in the Commission letter to Mr. Page, wherein authorizing Road Superintendent Rex Funk and Engineer Craig Johansen to assign the work to various contractors in order to

expedite the completion of the project before critical Spring run off. Monies for this are to be taken from the Flood budget. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### BUCKHORN WASH ROAD PROJECT

Craig Johansen of Johansen and Tuttle Engineering recommended to the Commission that they solicit permission from the BLM to finish the contract road project in the Buckhorn Wash which was started last year. Whereupon, motion was made by Commissioner Kent Petersen to sign the letter requesting permission from the BLM to complete the contracted road project started last year in the Buckhorn Wash area. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### SANDWASH ARCH CULVERT PROJECT - BID AWARD

Mr. Craig Johansen of Johansen and Tuttle Engineering provided to the Commission the abstract of bids for construction work on the Sandwash Arch culvert project. Bids received were from Nielson Construction in the amount of \$127,190; Minchie Digging in the amount of \$129,820; and Brown Brothers in the amount of \$158,050. The engineers estimate of \$147,880. Mr. Johansen further noted that for the culvert multiplating, that Big R was the apparent low bidder for the materials in the amount of \$59,600. Other bidders include Amcor in the amount of \$69,716 and Contex in the amount of \$67,600. His request of the Commission was permission to award the bids both for the construction and the culvert multiplating material.

Whereupon, motion was made by Commissioner Kent Petersen to recognize Nielsen Construction as the apparent low bidder and award them the construction contract on that Sandwash Arch culvert project and to authorize procurement of the culvert materials from Big R in the amount of \$59,600. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### EXECUTIVE SESSION

Commissioner Dixie Thompson made a motion that the Commission go into Executive Session at 10:28 a.m. to discuss possible litigation. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

The Commission meeting reconvened at 11:20 a.m. for a five minute recess and reconvened the regular Commission meeting at 11:30 a.m. with all members

present.

(13)

EFFECTIVE DATE OF ATTORNEY AND DEPUTY ATTORNEY SALARY INCREASES

Motion was made by Commissioner Dixie Thompson to set the effective date on the salary increase for the County Attorney and Deputy County Attorney to be January 1, 1993. This increase having been approved in the previous Commission meeting. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Recreation Department - Rehire Rawlin Daniels as a temporary/seasonal employee at the Recreation Complex in Huntington as the caretaker. Effective date is March 22, 1993, at the rate of \$7.50 per hour. This is a seven month position to terminate approximately October 31, 1993.

B) Road Department - Appoint Wade Nielsen to fill the nine month position left vacant by Darl Taylor who filled the position as a result of the retirement of Henry Jensen. Effective date is April 8, 1993, at the rate of \$9.12 per hour. This is to terminate on December 31, 1993.

C) Road Department - Requested was approval to appoint Lorene Lake to fill an unoccupied nine-month position which was approved in the budget. Effective date is April 12, 1993, at the rate of \$6.00. This is to terminate on December 31, 1993. The duties of the job will be that of a laborer.

D) Weed & Mosquito Department - Positions available in this department are temporary/seasonal. There are three six-month positions available effective April 22, 1993, at the rate of \$8.25 per hour, terminating October 31, 1993. There are also four 55-day positions available effective June 1, 1993, at the rate of \$8.25 per hour. Basically what James Nielsen would like to do is obtain permission to fill those positions.

E) Data Processing Department - Requested was to fill the position left vacant by David Wilson as a computer programmer. This will be a regular full-time position at a grade 12, step A or \$9.91 per hour. Upon approval by the Commission, recruitment for the position would begin with the regular five-day



posting and a subsequent review of applications.

F) Justice Court - Approval is sought to appoint Shannon Wickman to a temporary position working up to 20 hours per week at the rate of \$6.00 per hour effective April 8, 1993. This is to be looked at with possible termination of the assignment on or about October 31, 1993.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the hiring and recruitment in the Recreation, Road, Weed & Mosquito, Data Processing and Justice Court departments as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

G) Sheriff's Department -

1. Mrs. Snowball recommended the following actions which are not merit changes but are adjustments which were required as a result of regulation change and errors being pointed out in the implementation of the new salary schedule. New hires were quoted a specific starting and a rate upon graduating from POST. However, upon completing POST they were put on the new plan which resulted in a lesser wage than that to which they agreed. Those effected and recommended for this adjustment are: Brook Smith, Tony Lemieux, Wes Petersen and Shon Roper each to go from a 12-E or \$11.27 per hour to a 12-F or \$11.51 per hour.

Commissioner Kent Petersen indicated that the County should clean up the mistakes made with employees and therefore, motion was made by him to accept the recommendations there. Motion was seconded by Commission Chairman Mark Justice. Commissioner Dixie Thompson abstained. Whereupon, motion passed.

2. In regards to Sergeants, it was noted that the County has four Sergeants which perform the same duties with some years difference in service and differences in pay. In an effort to provide a similar wage for those performing the same job duties, it was recommended that Ted Thomas be changed from a 15-H or \$13.59 per hour to 15-L or \$14.64 per hour, Steve Stream from 15-I or \$13.85 per hour to 15-L or \$14.64 per hour and Bliss Mead from a 14-K or \$13.79 per hour to 15-L or \$14.64 per hour.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the pay adjustments for Ted Thomas, Steve Stream and Bliss Mead as recommended effective January 1. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

3. Compensation for "On-Call". It was recommended that Les Wilberg, Kyle Ekker, Bill Downard and Tom Harrison receive an additional \$40 each week as long as they are on "on-call" status as well as Martin Wilson, Tony Lemieux and Bliss Mead. However, after further discussion, it was questioned by those in

attendance if an on-call salary had been previously given to deputies. It was further recommended that guidelines be established as to on-call status before further consideration by the Commission.

The Commission at this time took the recommendation submitted to them and would table this matter to allow time to study this item. Whereupon, motion was made by Commissioner Dixie Thompson to table this matter in regards to the on-call compensation and look into the policy and gather more information for Commission consideration. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

H) Other Business - Mrs. Snowball noted to the Commission the need to include a drug-free workplace statement and a substance abuse policy. Wherein, she attached drafts for Commission review. However, it was the consensus of the Commission that Commission Chairman Mark Justice work together with Mrs. Snowball and make a recommendation back to the Commission.

Also, because of President Clinton's signed family leave bill, Mrs. Snowball prepared a draft policy for inclusion in the County Personnel Policy. Commissioner Kent Petersen was assigned to work with Mrs. Snowball and bring a final draft back to the Commission.

In accordance with the Americans with Disabilities Act, the County is to make a public statement to be displayed in a prominent place as well as advertised periodically.

Wherein, the Commission assigned Commission Chairman Mark Justice to work with Mrs. Snowball in development of a final public statement. Commissioner Dixie Thompson was assigned to work with Mrs. Snowball on the UAC Insurance Mutual workshop for the remainder of the County employees. Commissioner Dixie Thompson was further assigned to work with Mrs. Snowball on the liability insurance for contractors also outlined in her memorandum. Commission Chairman Mark Justice was assigned to work with Mrs. Snowball in regards to the Sheriff's office lunch payment for 40 hour employees.

Mrs. Snowball continued in that she has been contacted by two insurance agencies asking that the County give them the chance to bid on health insurance. Their request of the County was release of County information on employees such as the census, current carrier and rate history, claims experience, benefit description, as well as other items.

Whereupon, motion was made by Commissioner Dixie Thompson to authorize the release of the requested information to those interested insurance agencies desiring to submit bids to Emery County for health insurance. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She reviewed the successful weed program in cooperating with the BLM, Forest, Emery and Sanpete Counties.

2. She discussed her visit to the Castle Dale Elementary.  
Commission Chairman Mark Justice:

1. He noted that he had received the television contract from Bret Mills and Joel Dorsch who are entering into agreement with the County for the operation of Channel 50. Whereupon, motion was made by Commissioner Kent Petersen to approve the agreement and support Mr. Mills and Mr. Dorsch in their efforts. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

MEETING ADJOURNMENT

The meeting adjourned at 1:05 p.m.

ATTEST

CHAIRMAN

ComMin4-21-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

April 21, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

COMMISSIONERS MINUTES

The minutes of the April 7, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #931022 through and including #931255 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
16	File cabinet for jail - Sheriff	149.00	Approved
17	Resusci Baby Basic - Ambulance	325.00	Approved
18	Dishwasher for jail - Sheriff	419.95	Approved
19	Cathy White Newborn Resusci Baby - Ambulance	284.99	Approved
20	Infant/pediatric immobilization board; portable inhalator; CPR training torso - Ambulance	834.95	Approved

Whereupon, motion was made by Commissioner Kent Petersen to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

PROCLAMATION DECLARING MAY AS RETIRED SENIOR VOLUNTEER MONTH

RSVP Director, Carolyn Randall presented to the Commission for their consideration the Proclamation declaring the month of May as Retired Senior Volunteer month. This is in conjunction with the 20 year celebration for the RSVP program. Wherein, Commission Chairman Mark Justice recognized the RSVP program and the service it renders to the County, with more than 350 active members contributing over 50,000 hours each year in various capacities throughout the County.

Whereupon, motion was made by Commissioner Kent Petersen to accept the proposed Proclamation and proclaimed the month of May as Retired Senior Volunteer month. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### SUAOG HOUSING AND INFRASTRUCTURE SURVEY REQUEST

Commissioner Kent Petersen reviewed a memorandum by the Southeastern Utah Association of Governments who is requesting that the County do a survey in regards to the housing and infrastructure in Emery County. This would point out the condition and needs of the County as well as the residences. He noted that Assessor, James Fauver and his office will assist. He further noted that incorporated areas would be responsible for doing their own community and that this survey would just be for those areas outside municipal boundaries and in the County. He noted that he would work with Road Superintendent Rex Funk in regards to making a determination on the roads.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to accept and authorize the housing/community infrastructure survey as requested. Motion was approved by all members present.

(5)

#### DONATION TO MISS EMERY COUNTY TO COMPETE IN THE MISS UTAH PAGEANT

The Commission, by letter, has received a request from Corrine Pugmire who is currently Miss Emery County. Wherein she is requesting financial assistance enabling her to participate in the Miss Utah contest. The total cost she anticipates is approximately \$1200. She is asking for any type of sponsorship. Commission Chairman Mark Justice noted that on the application it indicated a \$500 request. He informed the Commission that they needed to make a determination if this is a good cause and if they were desirous to participate.

The Commission at this time recognized the importance of Miss Emery County participating in the Miss Utah pageant in that they represent Emery County. Therefore, it was the suggestion and motion by Commissioner Dixie Thompson to donate \$300 with encouragement to Miss Pugmire to solicit other sponsors as it is a great benefit to keep others involved also. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

#### BRAND INSPECTION AGREEMENT

Sheriff, Lamar Guymon pointed out that the Brand Inspection Agreement before the Commission at this time is the same agreement entered into in the past several years between the Utah Department of Agriculture and Emery County. Wherein, the Sheriff's Department provides the County brand inspection. He further noted that 60 to 70% of all the deputies are certified to do brand inspections.

Commissioner Kent Petersen noted that the Sheriff's Deputies provides a good service to the communities and it has been easier to obtain the service under the Sheriff's office. The Utah Department of Agriculture provide to Emery County for that service \$5,000.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Brand Inspection Agreement as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

#### TREASURER'S BUSINESS - TILLIE WINDER PROPERTY ABATEMENT

Emery County Deputy Treasurer, JoAnn Taylor addressed the Commission in regards to the Tillie Winder property located in Huntington. She noted that the 1988 and one-half of the 1989 property taxes, including penalties and interest in the amount of \$483.15, is due. If not paid, the property must be put on the May Tax Sale. Her inquiry of the Commission is if they were desirous to abate the property or take other action.

Commission Chairman Mark Justice reviewed the financial background of Mrs. Winder with the recommendation that the Commission consider abating the taxes or take the amount due out of the poor and indigent fund. He further noted that she would qualify for circuit breaker, but because there are delinquent taxes, these have to be paid before she can apply.

Whereupon, motion was made by Commissioner Kent Petersen to abate the property taxes for property owned by Tillie Winder in Huntington for the years 1988 and one-half of 1989 in the amount of \$483.15. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### OUTDOOR SIGN PAINTING CONTRACT APPROVAL

Economic Development Director, Bryant Anderson presented to the Commission for their consideration a proposal from Clifford Oviatt to paint an outdoor advertising sign North of the Hospital in Carbon County with sign preparation and a primer coat to be applied by B&T Builders and Supply. The sign is 12' by 48' in size. It is an existing sign. The proposal by Mr. Oviatt is in the

amount of \$1,200 plus truck lease, B&T Builders and Supply's proposal for preparation, primer coat, ladder truck, etc., was \$635. Bruce Funk, as an elected official, pointed out that he has provided to the Commission an annual affidavit of personal interest together with an affidavit of personal interest on the outdoor sign painting project. Wherein B&T Builders Supply is a company owned and operated by Bruce Funk who is also an elected official of Emery County.

The Commission recognized receipt of the same. Whereupon, motion was made by Commissioner Kent Petersen to approve the proposals in the amounts specified. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### PLANNING AND ZONING - COUNTY BUILDING INSPECTION

Planning and Zoning Chairman, Tracy Jeffs addressed the Commission in that the situation exists effective July 1, 1993, that the State of Utah will force compliance with the Uniform Building Code requiring a building inspector. He noted that presently we are using Kirk Jacobsen part-time to do the County inspections in the Western portion of the County and Doug Shurtz in Green River. However, in his discussions with Orangeville, they would be willing to sub-lease Mr. Jacobsen at the rate of \$15.00 per hour. Whereas, they would in turn charge the agency \$25.00 to cover over head and other costs. It was suggested that the County consider the possibility of employing Kirk Jacobsen full time. However, Mr. Jeffs felt that Orangeville City would not be willing to let him go. He discussed Bryant Anderson not having the time because of other responsibilities and further, is not fully qualified to do those inspections. He did feel the Commission needed to be aware of the situation and possibly look into some future resolution.

Sheriff, Lamar Guymon indicated that such a person could include with their responsibilities the Civil Defense which was part of those duties in the past. It was suggested that the mayors get together and discuss this further as to a County Building Inspector. Commissioner Justice noted that in past meetings only part of those communities were interested. Therefore, it was his recommendation that the County proceed under the present status and this be given further consideration at a later time.

(10)

#### EAST CARBON DEVELOPMENT CORPORATION - MINE SITE PLAN

Planning & Zoning Administrator, Bryant Anderson presented to the Commission for their consideration the Mine Site plan for East Carbon Development Corporation.

Wherein, they would excavate and haul approximately 130,000 cubic yards of clay material from private property in Emery County to their waste disposal site in Carbon County. He noted that this has been reviewed by the staff. He recommended tentative approval provided they resolve the reclamation plan as submitted to the DOGM. Secondly, that they resolve the road plan and it is approved.

Bryant Anderson responded in that the interests of Emery County are protected by the bond requirements of DOGM. His request of the Commission was to receive authorization to proceed with the advertisement for a public hearing.

Whereupon, motion was made by Commissioner Kent Petersen to give preliminary approval to the mine site plan and authorize the advertising of a public hearing to be held in conjunction with the regular Commission meeting on May 19, 1993. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

FIVE-MINUTE RECESS

Commission Chairman Mark Justice adjourned the meeting for a five-minute recess at 9:59 a.m. The meeting reconvened at 10:06 a.m. with all members present.

(12)

PUBLIC ADVISORY COMMITTEE FOR COUNTY ROADS

Commissioner Dixie Thompson referred this matter to County Attorney, Mark Tanner. Wherein, created was a draft Resolution creating a Public Advisory Committee for RS-2477 road right of ways. The number of persons to serve on the Board would be not less than 7 nor more than 10. The Board must be filled with at least one person from each incorporated town or city within the County and one County Commissioner. The Resolution also outlined the terms of appointment for each member. The Board would provide non-binding suggestions to the County Commission. They would be able to help the County respond to Congress on road issues, providing a broader discussion base.

Due to the majority of the Commission having insufficient time to review the document and subsequent recommendations in that this be an advisory board for all county roads, it was the consensus of a majority of the Commission that they would like additional time to review the document, its purpose and how that board would best serve the needs of the County. Therefore, Commission Chairman Mark Justice asked that this matter be tabled and set for inclusion on the Commission agenda for May 5, 1993. This will also allow time for consideration of names for appointment to the Board.

(13)



## CHANNEL 50 AGREEMENT

County Attorney, Mark Tanner provided to the Commission an Agreement between Emery County and the Public Service Channel 50. This is operated as a non-profit Corporation under the name of Castle Broadcast Corporation, operating on the County license. The purpose of the Agreement was to protect the efforts of the group and their establishment of parameters as well as safeguard the County's interest. He indicated that himself and Commissioner Dixie Thompson are part of the original trustees and disclosed a conflict of interest.

Commission Chairman Mark Justice questioned the term of the contract and recommended the additional language allowing the County to terminate the agreement should the broadcast group deviate from the original intent of the Commission.

After further discussion, recommendation was made by Attorney, Mark Tanner that the language would include "good taste" in paragraph 4. The purpose of the station be that of a public access station for Emery County and its citizens. And third, that termination will include upon departure from public service.

Therefore, motion was made by Commissioner Kent Petersen to adopt and approve the Agreement with the recommendations of the County Attorney. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

## ORDINANCE REGARDING THE REGULATION FOR ACQUISITION, MANAGEMENT AND DISPOSAL OF COUNTY PROPERTY

County Attorney, Mark Tanner presented to those present a current draft of the proposed Ordinance. He requested that it be reviewed by all parties and that previous copies of the draft proposal be destroyed. He requested recommendations be in writing for consideration at the next Commission meeting. Therefore, Commission Chairman Mark Justice tabled this matter for action on the May 5, 1993, Commission meeting.

(15)

## BLM - RIGHT-OF-WAY BOND - BUCKHORN WASH

County Attorney, Mark Tanner discussed the BLM right-of-way bond on the Buckhorn Wash in the amount of \$20,000 to cover the excavation and restoration of the archeological find there. He discussed various ways of providing bonds. The one being considered by the Commission at this time would be the cash and book entry deposit outlining the interests and associated transaction costs. This bond is in regards to BLM permits #UTU68846, #UTU68847 and #UTU68850. This is per an agreement with the BLM.

Therefore, motion was made by Commissioner Dixie Thompson to approve the right-of-way bond of the cash and book entry deposit type. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

#### HUNTINGTON CATTLE ASSOCIATION - LITTLE BEAR CAMPGROUND AGREEMENT

County Attorney, Mark Tanner reviewed the need to enter into an agreement with the Huntington Cattle Association in regards to holding corrals located at the Little Bear Campground which is not one of the permitted uses under the BLM lease to the County. In an effort to bring it into compliance with BLM regulations, the Huntington Cattle Association would give up any prior rights and the County would now enter into a long-term lease agreement as provided with the Cattleman's Association allowing for its continued use. This is to the approval of the BLM.

Whereupon, motion was made by Commissioner Dixie Thompson to accept the lease agreement as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel matters for Commission consideration:

A) Economic Development - Upon passing her six-month probationary period, Anne Curtis has been recommended to receive a step increase. Effective April 1, 1993, she will progress from Grade 6, Step A, or \$7.71 per hour to Grade 6, Step B or \$7.89 per hour.

B) Sheriff's Office - From January 1, 1991, to November 15, 1992, Floyd Forsyth served as acting Sergeant while being paid at the rate of Patrol Deputy II. It is proposed that Deputy Forsyth be paid at the rate of Sergeant for the time he assumed the task.

C) Assessor - Gayla Luke has requested approval to take an unpaid leave of absence from approximately August 15, 1993, to approximately August 15, 1994. The birth of Gayla's baby is expected approximately July 9, 1993. She has accrued sick and vacation leave that will cover the last portion of her pregnancy and birth. She wishes to care for the baby during the requested unpaid leave.

Gayla does not wish to continue her insurance benefits during the unpaid leave

and understands that when she returns, in order to resume coverage under the County's plan she and her dependents will be subject to the pre-existing condition clause.

D) Assessor - It is understood that upon approval of the requested leave by Gayla that her intention is to return at the end of the approved period and resume working for the County. Because of this, Jim Fauver has requested approval to hire a temporary worker during the approximate one year. This worker will not assume the specific duties of the position of Deputy Assessor III, but will perform general clerical duties as required. The individual would be hired on a 3/4 time basis at a rate of \$6.00 per hour effective June 1, 1993.

E) Road Department - Steve Kemple has satisfactorily completed his three-month promotional probationary period. As stipulated and subsequently approved in the Commission Meeting January 20, 1993, Steve would progress a step which would place him at a level with his associate crew leaders. Effective April 19, 1993, Steve will progress from Grade 14, Step L or \$13.45 per hour to a Grade 14, Step M or \$13.69 per hour.

F) Landfill - Request approval to begin the recruitment process to fill the vacancy which will be created upon the retirement of the landfill operator. The process will be posed for five days "in-house" only.

G) Weed & Mosquito Department - Request to hire the following temporaries: Lee Moss - to fill the 55-day position effective June 1, 1993, to end approximately August 20, 1993. Herman Pollanehne - to fill the six-month position effective April 26, 1993, to end approximately October 31, 1993.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the above recommended personnel actions as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

#### SHERIFF'S OFFICE - ON-CALL PAY

Personnel Director, Pat Snowball together with Sheriff, Lamar Guymon reviewed with the Commission the compensation for on-call status for four detectives, the animal control officer, Green River jailer and the Communications Coordinator. This having been tabled from the previous Commission meeting in that clarification was requested in regards to a policy on on-call time. Mrs. Snowball indicated she has a draft on-call policy for all County employees and would like to provide it to those present for review which she requested Commission consideration at a later time.

Sheriff, Lamar Guymon requested that the Commission move ahead on his request for compensation on those who are on call. This would be at the rate of \$50 per

week. The Sheriff reviewed how the amount was determined. The Sheriff indicated that these individuals are on call at all times.

Commissioner Dixie Thompson questioned if they could not stay with the previously proposed \$40 per week with graduations depending on the level of response time.

Commissioner Kent Petersen indicated there is no question that these individuals are on call and there is a need to recognize them with just compensation.

Commission Chairman Mark Justice recommended that action be taken today. Therefore, motion was made by Commissioner Kent Petersen to compensate detectives, the animal control officer, the Green River Jailer and the Communications Coordinator an additional \$50 per week for on call duty. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. This is to have an effective date of May 1, 1993.

The Commission is to study the draft policy regarding on-call time and review it for the next Commission meeting of May 5, 1993.

(19)

#### BUSINESS LICENSE

A business license application has been received from Greg and Lorri Killpack of Ferron. They would like to operate a golf driving range entitled Warm-Up Driving Range located at 785 Canyon Road in Ferron. The business is outside of the city boundaries. After further review, motion was made by Commissioner Kent Petersen to approve the golf driving range. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(20)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She reviewed the outcome of the Orangeville Post Office in that at the present time it will remain as a full-service facility. She expressed appreciation to Congressional Representatives.
2. She reviewed the UAC conference held last week in Cedar City.
3. She reviewed meetings with Bill Orton in regards to the RS-2477 roads.
4. She discussed the weed program.

Commission Chairman Mark Justice:

1. He reviewed upcoming meetings which he will be attending.  
Commissioner Kent Petersen:

1. He reviewed his Southeastern Utah Association of Governments meeting. Wherein, it was indicated there is a vacancy on the State Parks and Recreation Board. The AOG is to submit a name. It was his recommendation that if the Commission has a recommendation that it be submitted.

2. He concluded in that Mr. Bill Howell of the Association of Governments noted that Congressional Representatives Hansen and Orton are coming to somewhat of an agreement on the wilderness issue and provided that information to those present.

(21)

#### EXECUTIVE SESSION

Motion was made by Commissioner Dixie Thompson to adjourn to Executive Session to discuss possible pending litigation at 11:40 a.m. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

Those present during Executive Session were Kent Petersen, Mark Justice, Dixie Thompson, Mark Tanner, Rex Funk, Leslie Bolinder, Bruce Funk and Carol Ware. Matters of possible pending litigation were discussed.

The regular Commission meeting reconvened at 12:37 p.m. with all members present.

(22)

#### MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 12:37 p.m.

ATTEST

CHAIRMAN

ComMin5-5-93

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

May 5 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; and Deputy Clerk, Wendi Downard.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commissioner Mark Justice.

(1)

#### COMMISSIONERS MINUTES

The minutes of the Commission meeting were reviewed and corrected. Motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(2)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #931256 through and including #931431 plus handwritten check #'s 1486, 1487, 1498, 1499, 1500 and 1501 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
21-93	6" Vise for Crusher Unit- Road Dept.	259.50	Approved
22-93	Trees for Beautification Prog. Economic Development	5,635.00	Approved
23-93	Kubota L175 Tractor- Recreation	1,500.00	Approved
24-93	Land Purchase from Randy Menser-Nursing Home	4,500.00	Approved

Whereupon, motion was made by Commissioner Kent Petersen to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### PRESENTATION OF PLAQUE TO SGT. TED THOMAS

Sheriff Lamar Guymon presented a plaque to Sgt. Ted Thomas in recognition of his commendable actions in saving the life of an infant in Castle Dale last week who had stopped breathing. Sgt Thomas was the first to arrive on the scene and had administered mouth to mouth resuscitation which had enabled the infant to start breathing again. The Commission commended Sgt. Thomas and Sheriff Guymon on the professional manner in which this was handled and for the Sheriff's Office well-trained officers.

(4)

DISCUSSION AND APPROVAL TO PURCHASE RANDY MENSER'S PROPERTY  
LOCATED BY THE EMERY  
COUNTY NURSING HOME

Commissioner Mark Justice indicated that this matter had been placed on the calendar by mistake whereas this matter had been previously discussed and approved.

(5)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel Action forms for Commission consideration:

A) Weed & Mosquito Department - James Nielsen, Weed & Mosquito Supervisor, requests approval to hire Chris Rowley, Huntington and Larry Randall, Elmo, in 6-month temporary positions, effective May 6, 1993, at a rate of \$8.25/hr, and will terminate October 31, 1993. This will complete the hiring for the 6-month temporary positions.

B) Data Processing Department - The process to recruit a computer programmer has been completed. Approval is sought to hire Lee Rassmussen, Ferron, for the position, effective May 10, 1993, at a Grade 12, Step 1, \$9.91/hr.

C) Auditor's Office - In January, 1992, Charlane Luke was promoted into the Deputy Auditor III position when Lorna Davis transferred to the Recorder's Office. Charlane assumed the same duties that Lorna was performing while receiving less pay. It is proposed to adjust Charlane's wage from a current 9-G to a 9-K which would compensate Charlane more fairly for assuming increased responsibilities. This is proposed to be retroactive to January 1, 1992.

Motion was made by Commissioner Kent Petersen to approve the Personnel Action forms as presented. The motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Personnel Director, Pat Snowball presented for consideration and approval a resolution amending the Emery County Personnel Policy and Procedures to add two

sections: 1. Drug-Free Workplace Statement, 2. Substance Abuse Policy. Mrs. Snowball indicated that these additions to the personnel policy were required by law. Commissioner Kent Petersen proposed that #3 of the Substance Abuse Policy be amended to say "can be cause for termination" in order to be consistent with the Drug-Free Workplace Statement.

Motion was made by Commissioner Dixie Thompson to approve the resolution with the correction as indicated by Commissioner Kent Petersen. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

#### EMPLOYEES COMMITTEE - TIME AND A HALF PAY FOR WORKING ON HOLIDAYS

Carol Ware, Employee Committee Chairman, introduced Don Morlan who is a member of the Employee Committee who has been assigned to look into the matter of employees being paid at time and a half for working on holidays. Mr. Morlan indicated that it was the policy now in the Road Department to have the employee adjust his schedule so that he did not work more than his regular 40 hour week. His request was that the employee be paid at time and a half for working the holiday and not have to adjust his schedule. Sheriff Guymon asked if this would also affect his department. It was the consensus of the Commission that they take this matter under review.

(7)

#### INTRODUCTION OF NEW MANAGER, DAVE LUCCHESI, OF HUNTINGTON AND MILLSITE STATE PARKS

Park manager Dave Lucchesi introduced himself to the Commission and offered his help and indicated that he wished to work with the Commission to stimulate interest in the state parks. He indicated that he would like to know the Commissions ideas on the parks and what they would like to see happen with them. The Commission thanked Mr. Lucchesi and told him that they are looking forward to working with him. Commissioner Justice informed Mr. Lucchesi that the county would soon have a new sign north of Price. Commissioner Dixie Thompson asked Mr. Lucchesi if he would advise them of any feedback on the sign.

(8)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT - REFUNDING OF BONDS

Darrell Leamaster introduced Dar Hansen, Board Chairman, Mack Bunderson, Board Attorney, Dale Okerlund, Bond Attorney and Kent Minchey. They came before the Commission to seek approval of the bond refunding that had been previously discussed. Mr. Minchey indicated that there were two series of bonds that would be refunded at the lower interest rate of 4.94%. The savings to the CVSSD would



be about \$1,170,174. The amount of the bonds to be refunded is \$8,585,000. Mr. Minchey also indicated that the refunding would release some money that would be available to the district for its 1993 projects and would also probably make it possible for them to receive a grant from the State for 1993 projects. The resolution had been sent to the County Attorney's office for review. Commissioner Dixie Thompson asked why the county's rating was only an "A". Mr. Minchey explained that this was because of the large tax bearer and also the tax protests from Utah Power and Light. Motion was made by Commissioner Dixie Thompson to approve the resolution for refunding of the bonds. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

APPROVAL OF RESOLUTION AUTHORIZING A SHORT-TERM TRANSFER OF FUNDS FROM EMERY COUNTY TO CVSSD

Darrell Leamaster indicated that the district was in need of funds to meet its cash flow and is unable to borrow the funds, therefore it is proposed that the county provide \$900,000.00 to the district as a short-term loan. Mr. Leamaster indicated that they may have to ask for additional funds depending on what happens with PacifiCorp's protest. Motion was made by Commissioner Dixie Thompson to approve the agreement and resolution to provide Castle Valley Service District with \$900,000.00 on a short-term loan. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

DISCUSSION OF REFINANCING UTAH POWER AND LIGHT BONDS

Commissioner Mark Justice advised that he had been notified by PacifiCorp that they are interested in refinancing their bonds but have not offered any proposals yet. There was concern expressed over the fact that PacifiCorp protest their taxes. Commissioner Justice indicated that this would be discussed if a proposal was offered.

(11)

CLEVELAND TOWN AND LESTER MINCHEY, REQUEST PURCHASE OF COUNTY OWNED PROPERTY

Commission Secretary Leslie Bolinder addressed the Commission about a request from Cleveland Town and Lester Minchey to purchase a piece of county owned property. The seven foot wide piece of property is adjacent to Cleveland's park and has a restroom on it and is adjacent to Lester Minchey's property. They wish to buy the property and split it. Motion was made by Commissioner Dixie Thompson that it would be in the county's best interest to start the process to sell this property. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

APPROVAL OF ORDINANCE, REGULATIONS FOR ACQUISITION,  
MANAGEMENT AND DISPOSAL OF  
COUNTY PROPERTY

Commissioner Mark Justice indicated that there are some proposed changes to the ordinance regarding county property. These changes are: on page 4, section 4 to change the amount from \$100 to \$300; on page 6, section G to change the amount from \$1,000 to \$3,000; on page 7, to change the amount from \$12,000 to \$25,000; and on page 8, to specify that all bid openings be held on regular commission meetings. Auditor Karen Truman proposed that page 4, section 4 be changed to indicate "2 price quotes attached" as this has been the policy in the past. Commissioner Dixie Thompson expressed concern over the bid openings asking what would happen if it were an emergency. Commissioner Justice advised that there was a provision in case of emergencies. Motion was made by Commissioner Kent Petersen to adopt the changes as presented. The motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

CONSIDER ADOPTION OF RESOLUTION CREATING A PUBLIC ADVISORY  
COMMITTEE FOR COUNTY  
ROADS AND APPOINTMENTS TO THE COMMITTEE

This matter was tabled.

(14)

APPROVAL OF NEW MEMBERS ON THE ECONOMIC DEVELOPMENT  
COUNCIL AND BY-LAW CHANGES

Kent Wilson came before the Commission to propose a change in the amount of board members from 12 members to 8 and the creation of an advisory board that would meet twice a year and be chosen from a broad spectrum of the citizenry of the county. He indicated that this would make it more of a working board who are serious about the job. He submitted the following names as proposed board members: Commissioner Mark Justice, Council Chairman Kent Wilson, Business Committee Chairman Seretia Snow, Tourism Committee Chairman Gary Arrington, Beautification Committee Chairman Francee Handley, Revolving Loan Fund Loan Committee Chairman Scott McArthur and Chamber of Commerce President Bruce Anderson. Motion was made by Commissioner Dixie Thompson to approve the bi-law changes as presented and to approve the new board members. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

CONSIDER FINANCIAL ASSISTANCE TO CASTLE DALE CITY FOR COSTS  
ASSOCIATED WITH

## MAINTAINING THE SWIMMING POOL

Commissioner Mark Justice indicated that the Commission had reviewed Castle Dale's request for assistance with the cost of maintaining the swimming pool. The original request had been for \$5,000.00 which the Commission has determined not to be possible to contribute at this time, but \$2,500.00 could be taken from dues and contributions for this purpose. Commissioner Kent Petersen stated that he felt the other cities should be contacted about support and that Castle Dale City should come before the Commission at budget time. Commissioner Dixie Thompson indicated that their motion today should include writing a letter to the cities. Motion was made by Commissioner Kent Petersen to donate \$2,500.00 from dues and contributions to Castle Dale City pool and to write a letter to the cities advising of the need for their support. The motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

## CONSIDER DONATION TO THE ESTABLISHMENT OF AMERICAN LEGION BASEBALL IN EMERY COUNTY

Larry Davis addressed the Commission concerning their support of the establishment of an American Legion Baseball league in Emery County. He indicated that beyond the age of 15, youths have no opportunity to play baseball except for a few that have played in the Helper American Legion. This league would include individuals up to age 18 with no minimum age and anyone in the county could try out. The league would include from the point of the mountain south and would schedule approximately 40 to 50 games. This would require a great deal of travel which is where the greatest expense will come in whereas the school district has given them permission to use their equipment and uniforms for the first year. Mr. Davis stated that the members would be ambassadors for the county and that the greatest emphasis would be on sportsmanship. Motion was made by Commissioner Kent Petersen to donate \$900.00 from dues and contributions to the league. The motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

## CONSIDER DONATION TO MELISSA MCKELL FOR EXPENSES AT MISS UTAH PAGEANT

Commissioner Mark Justice indicated that the county has two young ladies running for Miss Utah this year and that the Commission had previously donated \$300.00 to support Miss Pugmire in this endeavor. It has now been requested that they donate the same amount to Miss McKell. Motion was made by Commissioner Dixie Thompson to donate \$300.00 from dues and contributions to Miss McKell. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

#### GASCARD DISCUSSION

This matter was tabled.

(19)

#### CONSIDER APPROVAL OF PROPERTY TAX EXTENSION AGREEMENT

Auditor Karen Truman and Treasurer Joann Behling presented a proposed agreement for property tax extension for Newell L. and Deloris Nelson, account number 0005531, serial 01-050A-0001. They indicated that the Nelsons had proposed to make some type of payment now and then pay the balance by November 30, 1993. Mrs. Truman advised that there will be costs to the county for publishing, etc. and that they would be expected to pay for that. Commissioner Dixie Thompson suggested that they pay \$200.00 now, the 1992 taxes, penalties and interest by the end of May and the balance by November 30, 1993. Motion was made by Commissioner Dixie Thompson to approve the agreement as stated. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(20)

#### GEORGE MORRIS AND DIXIE THOMPSON, REPORT ON CONFERENCE IN HUNTSVILLE, ALABAMA

Commissioner Dixie Thompson and George Morris of the Forest Service reported to the Commission on the conference that they recently attended in Huntsville, Alabama. Ira Hatch was also present for the Forest Service. Mr. Morris advised that the name of the conference had been "Seeking Common Ground" and that it focused on collaboration of the counties and the federal government on planning. Mr. Morris advised that they would be visiting the five counties within the Manti-Lasal National Forest Service and will be introducing these principals. The forest service would be rewriting it's manual with the help of the counties to indicate what kind of relationship the forest service would have with the counties in planning. Commissioner Thompson stated that what had impressed her the most was that this was a directive that came down from Mike Espey, our Secretary of Agriculture, who is from a rural community himself and has real concerns about rural communities all over the United States. She was also encouraged by the fact that the county would not be seen as a third party but as an equal partner and that this would be a collaborative planning. She stated that we really are greatly affected because so much of our county is federally owned. Mrs. Thompson indicated that we have always had a good relationship with our District Ranger Ira Hatch and that "Seeking Common Ground" was something which will make the relationship even better. Mr. Hatch also expressed appreciation for the good working relationship that they have enjoyed with the county.

(21)

APPROVAL OF FOREST SERVICE - SHERIFF'S OFFICE CONTRACT FOR LAW ENFORCEMENT

Sheriff Lamar Guymon and District Ranger Ira Hatch presented the renewal of the contract between the Forest Service and the County for law enforcement on federal property. Mr. Hatch indicated that this was the same contract that had been approved in the past and although the amount of the contract was inadequate, he commended the Sheriff's Office for their excellent job. Motion was made by Commissioner Dixie Thompson to approve the contract. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(22)

COMMISSION REPORTS

Commissioner Mark Justice - he advised that there had been a vacancy on the Travel Council. They had received 12 applications and Rue Ware had been selected to fill the vacancy.

Commissioner Kent Petersen - he indicated that he had attended a school on roads last week in St George. The Forest Service had reported that they had been using lower pressure in the tires on their logging trucks and that this had proven to be beneficial to the roads.

Commissioner Dixie Thompson - she indicated that the project to get natural gas to Cleveland and Elmo is moving along and that work should begin on this by June 1, 1993, if everything goes well.

(23)

MEETING ADJOURNMENT

Commission Chairman Mark Justice adjourned the meeting at 8:00 p.m.

ATTEST

CHAIRMAN

ComMin5-19-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

May 19, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:00 a.m.

The invocation was given by Clerk, Bruce Funk.

(1)

COMMISSIONERS MINUTES

The minutes of the May 5, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Emery County Deputy Auditor, Charlane Luke presented Warrant/Check Edit List #931432 through and including #931614 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
24B	Filing Cabinet - Green River Justice Court	571.20	Approved
25	Paper shredder - Sheriff	135.99	Approved
27	Image-Pro Processor - Sheriff	1,795.00	Approved
28	Ten cameras for use in various areas of the department - Sheriff (to be paid for with confiscated drug funds)	14,544.00	Approved
29	Various furniture items - Nursing Home	17,000.00	Approved

30 Various equipment - Nursing Home 6,000.00 Approved

31 Equipment to remodel tub room  
into shower room - Nursing Home 5,000.00 Approved

Whereupon, motion was made by Commissioner Kent Petersen to approve the warrant for payment and requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### CASTLE VALLEY RIDGE TRAIL SYSTEM DEVELOPMENT

Mr. Charles Jankiewicz, Forest Service District Ranger, came before the Commission in regards to the Castle Valley Ridge Trail System. He noted that they have completed the application and other environmental issues and now are looking towards developing the trail heads. His request of the County was participation in the Nuck Woodward guard station trail head. He requested crushed aggregate, approximately 445 ton. They are recommending that these be obtained through Nielsen Construction who would haul and spread the gravel at a cost of \$5,379 of which cost he was requesting the County to fund.

Road Superintendent Rex Funk inquired as to when the anticipated project would begin. Mr. Jankiewicz indicated that would be in July. Therefore, Mr. Funk noted that the County could possibly be available to assist at that time. Commission Chairman Mark Justice indicated favorable participation by the County. However, he recommended that the Commission meet further with the Auditor to determine funding sources.

Commissioner Dixie Thompson indicated that there were no funds in the Road Department. She further recommended that this receive further review from Road Superintendent Rex Funk.

Commissioner Kent Petersen suggested that Mr. Jankiewicz come back to the next Commission meeting to allow the County an opportunity to review this further to see if it would be more practical and financially feasible for the County to haul and disburse the gravel from their pits.

The Commission further recommended to Mr. Jankiewicz that any future funding requests for the project be submitted to the Commission for consideration in October for 1994.

Therefore, this matter was tabled until next Commission meeting.

(4)

#### BID OPENINGS - CHIP HAULING

Commission Chairman Mark Justice at this time asked the Clerk to open and read the bids received for hauling chips to six locations in Emery County as specified in the invitation for bids. It was noted that the following bids were received prior to 9:00 a.m. on May 19, 1993. Bids were received from Jack B. Kelly, Company, out of San Antonio, Texas, by fax in the amount of \$43,620.60, and from Sinbad Construction, from Orangeville, Utah, in the amount of \$26,776.70.

At this time, Commission Chairman Mark Justice recognized Sinbad Construction as the apparent low bidder for the hauling of chips in the amount of \$26,776.60. He referred this to Road Superintendent Rex Funk and Johansen and Tuttle Engineering for review and recommendation back to the Commission.

Prior to conclusion of the Commission meeting, Road Superintendent Rex Funk indicated he and Craig Johansen had reviewed the bids received and recommended that the Commission approve the awarding of the contract to Sinbad Construction for the hauling of road chips.

Whereupon, motion was made by Commissioner Dixie Thompson to award the bid to Sinbad Construction for the hauling of the road chips. This being based upon recommendation and approval of Road Superintendent Rex Funk and Engineer Craig Johansen. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Weed & Mosquito Department - Consideration and approval is requested to hire for the following temporary positions at a rate of \$8.25 per hour:

- John Sehestedt, 6-month position, effective 5-20-93 until 10-31-93;
- Dennis Dooley, 55-day position, effective 6-1-93 until 8-18-93;
- Andrew Thompson, 55-day position, effective 6-1-93 until 8-18-93;
- Dwayne Fowler, 55-day position, effective 6-1-93 until 8-18-93;
- Jerry Hatch, 6-month position, effective 5-20-93 until 10-31-93.

It was noted the hiring of John Sehestedt and Jerry Hatch is to replace two other individuals previously approved who found other employment.

B) Clerk's office - Consideration and approval is requested to hire Lindsay Grimes on a temporary basis to do microfilming of District Court records effective approximately June 7, 1993, through August 30, 1993, at a rate of \$5.00 per hour. Funding is available in the District Court budget.



C) Extension Office - Consideration and approval is requested to hire Jody Jeffs on a temporary basis effective approximately June 1, 1993, through August 30, 1993, at a rate of \$5.00 per hour.

D) Road Department - Randall Stilson is an Operator II working for the Road Department. It is Randall's desire to fill the vacancy left at the landfill when Bertley Jensen retired. It is the department's recommendation to allow Randall to fill the vacancy. Randall is currently paid at a rate of \$11.35 per hour. It is proposed that the landfill position remain classified as Operator II and that Randall assume those duties without change in rate of pay. Effective May 19, 1993.

E) Road Department - As Randall Stilson assumes duties at the landfill, a vacancy occurs on his crew. Consideration and approval is sought to begin the recruitment process to fill that vacancy. Operator II, Grade 10, Step A at the rate of \$9.12 per hour, effective June 3, 1993.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the above personnel items as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

F) Recreation Department - It has been determined that the position of Recreation Director requires some revision. Emphasis should be placed on supervision and maintenance at the recreation facilities; and on organization and coordination of recreational leagues, events and program. The position will also require working a 40-hour week from approximately May 20 through September 1 and a 20-hour week from September through May 20.

Commission Chairman Mark Justice in regards to (F) indicated that this is basically a restructuring of that position. He has spoken with Dave Thompson and both have agreed as to the benefit to the County. There is sufficient monies in the recreation department to take care of the recommended restructuring. It was Commissioner Dixie Thompson's recommendation that the September 1 through May 20 be amended to read up to 20 hours per week. Therefore, motion was made by Commissioner Dixie Thompson to approve the restructuring of the hours for the Recreation Director to include the recommendation that from September 1 through May 20 that it be up to 20 hours per week. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

G) Merit Increases - Mrs. Snowball indicated she has been advised by several department heads that they wish to secure raises for their employees. Such raises would be deemed merit raises. Currently Emery County is reviewing the merit plan with regard to wages. The Merit Committee has met two times and has set the first part of September to submit for consideration a salary plan which will help make the process of compensating employees more fair. Any requests

for raises based purely on merit will not be approved.

(6)

## EMERY WATER CONSERVANCY DISTRICT - EMERY COUNTY WATER SHED MONITORING

Present from the Emery Water Conservancy District were Eugene Johansen, Jay Mark Humphrey, Bevan Wilson and Craig Johansen. Mr. Craig Johansen reviewed with the Commission the original purpose in monitoring stream flows in Emery County to determine the effect of the mining industry on the water shed. The Commission had asked that the Emery Water Conservancy District take over the project and they were before the Commission today as a review of the progress as to this point. He noted that in the past there has not been many good records as it relates to water supplies and run off in Emery County. It was their purpose to establish accurate records for future use. Presented were maps of the mine permit areas showing in conclusions that springs are being effected by mining. In the past they have been unable to contest mining permits because of insufficient data in that they were unable to prove the reduction in stream flows were due to mining rather than drought. It was further noted that they have entered into an agreement with the Bureau of Reclamation which will cost between \$220,000 and \$250,000 to monitor water in Emery County. Devices would not only measure water but they would determine the salinity as well as the water leaving the county.

Mr. Jay Mark Humphrey, in responding to a question, noted that installation has begun but they have run into a prime obstacle in that the Forest Service is requiring special use permits. This could cause anticipated delays of 60 to 90 days.

Mr. Eugene Johansen expressed concern in the effect of the portal location in which water is being diverted into other stream beds. He noted that the County has to get a handle on what is happening to the water. Water is the base of the resources of the area and the present tax valuation is a result of shared water. That it is essential to continued living in Emery County. He again reviewed those shared costs between the BLM and the Emery Water Conservancy District. He noted that additional funds will be required by the Conservancy District. This could be in a request of the Commission or in increased tax assessment. He feels strongly that the water needs to be protected and funds are already being expended by the Conservancy District in regards to cloud seeding, which was taken over by them from the County, weed spray to farmers and the new dam safety requirements. He noted that the Conservancy District cannot continue to absorb these costs due to the increased regulations.

Mr. Darrell Leamaster, District Manager of the Castle Valley Special Service District, indicated that the Service District is vitally concerned with this problem. They have expended \$10,000 to upgrade monitoring devices. They, too, have a need for continuing funds because of increased regulations and encouraged

the Commissions support.

Commission Chairman Mark Justice indicated that the Commission is highly concerned and that this is a priority matter. He requested that all parties get together and determine the details. They need to meet and review prior to final action. Also discussed by those present was the impact of the GIS computer digitized mapping systems which would be of great benefit to the County as well as departments therein.

Mr. Bevan Wilson, of the Emery County Special Service District #1, noted that he also serves as a member of the North Emery Water Users Association Board. They are struggling and would appreciate any assistance in this project. He reviewed the Rilda Canyon Spring mitigation with Energy West and the metering devices as part of the treatment plant. He noted the stress effect of the service water on wildlife as well as grazing and that they are being effected by mining in this area. He feels that dried up springs are not necessarily a result of drought and that this has a real impact on everyone in Emery County. He continued in that the effects of the longwall mining creating man-made earthquakes and other seismic disturbances, the mining needs to be monitored and evaluated, particularly as the mines move towards the present reservoirs.

Mr. Craig Johansen noted further that the gauging stations would be monitored by a radio signal to the Castle Dale District office. Whereas with springs, data would have to be physically collected.

Mr. Jay Mark Humphrey indicated that all this information can be shared by all agencies.

Pat Snowball, as a citizen applauded these people and the Commission in their efforts in protecting the water resources. She further recommended that the public be made more fully aware of the need.

Wherefore, Commission Chairman Mark Justice asked Jay Mark Humphrey if they would provide a news release to which the Conservancy District agreed, outlining the purpose and equipment. This is in an effort to minimize vandalism.

(7)

CLAY FULLMER - A.B.A.T.E. REQUEST FOR APPROVAL OF A BEER LICENSE

Mr. Clay Fullmer, representing a group entitled ABATE, requested a temporary Class B retail beer permit, authorizing them to sell beer at their annual party May 29 and 31. He noted that he has received approval from the Sheriff and the Health Department.

After further discussion, motion was made by Commissioner Dixie Thompson to approve the temporary beer permit for the ABATE. Motion was seconded by

Commissioner Kent Petersen and approved by all members present.

(8)

#### FHA REPRESENTATIVES - FINANCIAL ASSISTANCE

The following first-place winners in the State FHA convention came before the Commission: Harmony Curtis - All Star Project and National Officer Candidate; Mindy Anderson - Illustrated Talk; Ronda Kennedy - Family Communication; and Adam Thomas - State Officer. These individuals indicated that their purpose in coming before the Commission was to solicit funds to assist them in participating in the National FHA Convention in Anaheim, California. They reviewed with the Commission the benefit to the County through their leadership and skills. It was noted that anticipated cost to each participant was \$1,000 and that they respectfully requested financial participation by the Commission.

Whereupon, Commissioner Kent Petersen recognized the efforts of the FHA and complimented them. It was his recommendation that the Commission contribute \$50 to each of the four participants. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### CURTIS LARKIN - GYPSUM RESOURCE DEVELOPMENT BOND RELEASE REQUEST

Mr. Curtis Larkin, of Gypsum Resource Development came before the Commission requesting release of the \$25,000 road bond held by the County. His last request for this bond was in April of 1992. After which he was requested to correspond with the County Attorney to which he received no response. He noted that upon completion of the hauling, his observation was that the road was in fine condition. He noted those funds expended by his company in development of the road. However, he anticipated hauling another 13,000 ton sometime this year. He indicated settlement has been made with Nielson Construction. However, Emery County Attorney, Mark Tanner recommended to the Commission that an independent verification as to the road condition should be made. The County should be given an opportunity to look into any money expended by the County which they would be entitled back after discussions with the Road Department.

Therefore, motion was made by Commissioner Dixie Thompson to refer this matter to the County Attorney's office for review and recommendation and that this item be put on the Commission agenda for June 2, 1993, for further consideration.

Road Superintendent Rex Funk noted that the County has expended a lot of money as well as forces in improving that road also. Damages cannot be determined because after GRD had finalized hauling his department followed up making the

necessary grading and improvements. He further noted that if they were not going to impact the road, there would be no continued need for the bond. New haulage would require new permits and rebonding.

Commissioner Kent Petersen inquired of Mr. Larkin as to the tax situation and those taxes owed to Emery County. Mr. Larkin responded that he is not prepared to discuss that particular item. However, he did recognize the delinquency and Emery County's appeal in 1991 with the State which tied up GRD.

Mr. James Fauver indicated that the sell of property has been put off until June 17, 1993, which would allow time to review this matter further.

Whereupon, motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commission Chairman Mark Justice advised Mr. Larkin that although they had a considerable financial investment, the County also had a major financial investment based on GRD's projected potential use. The County had no plans to improve the road except in an effort to facilitate the needs of GRD. The County has spent at least as much or more than GRD. In regards to the settlement with Nielson Construction and Johansen and Tuttle Engineering, it was because of Emery County's willingness to pay part of the bill that facilitated the settlement. The County, by not responding to Mr. Larkin's prior requests, clearly indicated the County's intention not to reduce the \$25,000 bond, this in lite of possible additional bills, potential liability and other concerns.

Mr. Larkin responded in that his company's projections were unrealistic and improperly handled. The County money expended was under business development. However, his concern now was to salvage the development of the mine. He further questioned the need for the County to become involved in the settlement of the original contract with Nielson Construction and Johansen and Tuttle Engineering.

(10)

APPROVAL OF AMENDMENT TO CONTRACT #93-0947 BETWEEN THE  
DIVISION OF STATE HISTORY  
AND EMERY COUNTY

Commissioner Kent Petersen presented to the Commission the Amendment to Contract #93-0947 wherein the Division of State History has amended the original agreement in that additional funding is provided with the original contract to be amended as follows: Page one, line five (5) the maximum dollar amount is to read: \$10,000; Attachment B, Budget Section, item one (1), dollar amount is to read: \$8,480; Attachment B, Budget Section, item five (5), dollar amount is to read: \$300; Attachment B, Budget Section, Total Project Budget dollar amount is to read: \$20,000; Attachment B, Budget Section, note (\*) is to read: "Includes

grant amount (\$10,000), county and community match (\$10,000).

Whereupon, motion was made by Commissioner Kent Petersen to approve the amendment to the State Contract as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

It was noted that this money is used for writing the history of Emery County as part of the statehood centennial celebration. Commissioner Kent Petersen was authorized to sign the same.

(11)

#### APPROVAL OF CONTRACT FOR AUDITING SERVICES

Commission Chairman Mark Justice reviewed the contract for auditing services between Emery County and Kimball and Roberts, Certified Public Accountants. It was noted that because the County does receive funds from the Federal Government, the law requires an audit under the guidelines of the office of management and budget as well as audits under State law. Therefore, services provided by the auditing firm were outlined therein. The not to exceed fee is \$10,000. This consists of \$9,000 for the financial audit services and \$1,000 for single audit services.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the contract for auditing services as submitted by Kimball and Roberts, Certified Public Accountants and Emery County. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

#### APPROVAL OF CONSULTING ENGINEER FOR FAS BRIDGE REPLACEMENT PROGRAM

Road Superintendent Rex Funk requested of the Commission approval for recognizing Craig Johansen of Johansen and Tuttle Engineering as the County's consulting engineer. He noted that in regards to past FAS bridge replacement projects, that there has been a change in the program and that reimbursement is possible upon designation of an engineer of record. Mr. Johansen has served as the County Engineer for the last 10 years since Mr. Funk has been department head. Records indicate back through and including 1972 and that in his meeting with UDOT representatives that they did agree and would allow a grandfathering clause recognizing Mr. Johansen as the County Engineer of record upon submittal of a letter from the Commission.

Mr. Funk reviewed projects over the past number of years which Mr. Johansen has been involved with.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the

Commission signing of a letter recognizing Mr. Craig Johansen of Johansen and Tuttle Engineering as the County Consulting Engineer. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

#### EMERGENCY WORK ON DUTCH FLAT ROAD

Road Superintendent Rex Funk noted a need for emergency work on the Dutch Flat road in Ferron in that it is sloughing off. The repair cost is estimated at approximately \$10,000 to \$15,000. He indicated that this would be on an invitational bid. His recommendation to the Commission was to authorize one of the Commissioner's, upon receipt of the bids, to recognize the apparent low bidder and sign the contract as well as the notice to proceed.

After discussion, motion was made by Commissioner Kent Petersen to solicit bids for emergency work on the Dutch Flat Road and that those be prepared for Commission consideration at the next Commission meeting on June 2, 1993. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

#### RECOGNITION OF EMERY HIGH AND GREEN RIVER HIGH STERLING SCHOLARS

Commissioner Kent Petersen noted 12 sterling scholars from Emery High and Green River High wherein he recognized their scholastic achievements. Motion was made by Commissioner Petersen to contribute \$40 to each of the 12 recipients, noting that this is to include Commission Chairman Mark Justice's daughter who is among those scholars. These monies are to be taken out of dues and contributions. Motion was seconded by Commissioner Dixie Thompson. Motion passed with Commission Chairman Mark Justice abstaining.

(15)

#### CARBON-EMERY COUNTY ECONOMIC DEVELOPMENT

Carbon County Commissioner Niel Brienholt addressed the Commission in that Carbon County would like to work with Emery County on projects of economic development. He reviewed the presently established Carbon County Future Advisory Board. He indicated they are presently funding a full time professional, Mr. Randy Russell. He recognized the benefit to both Carbon and Emery Counties in joining together on joint projects. He then introduced Mr. Randy Russell. Mr. Russell invited persons from Emery County to the upcoming planning session May 20 and 21 in Carbon County. He noted that he has been in discussions with Economic Development Director, Bryant Anderson.

Commission Chairman Mark Justice noted the present Castle Country Travel Council in that they do a good job and serve both County needs, this an example of the two Counties working together.

Economic Development Director, Bryant Anderson noted that he enjoyed the enthusiasm and the new direction Carbon County is heading. The present Emery County Council has a lot of similarities and there are many good things happening. It is one geographic area and any cooperative effort would be a positive benefit.

Mr. Wes Curtis, of the Economic Development Council Board, concurred with Bryant Anderson's comments in that it would be beneficial working together, particularly in funding requests. As a County, we need to determine where we are at and where we want to be and need to be involved in a similar planning process.

(16)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She discussed the Western Interstate Regional conference wilderness conference this past week in Phoenix. She reviewed concerns with natural resources and the importance of agencies forming alliances with common interests.

2. She noted completion of the second grant writing seminar.

Commissioner Kent Petersen:

1. He noted that last Tuesday he attended the Governor's meeting on natural resources and land issues. Wherein, he discussed the Governor's feelings in regards to some of those matters discussed.

Commission Chairman Mark Justice:

1. He noted that Clawson had received a \$300,000 grant and a \$110,000 one percent loan from the Community Impact Board.

Commission Minutes of May 19, 1993

2. The army has held hearings in regards to the Green River missile base and compared local hearings with those in the Moab area.

3. He indicated he attended the Governor's conference with Bryant Anderson on tourism.

(17)



## EMERY TOWN EMPLOYEES INSURANCE REQUEST

Personnel Director, Pat Snowball indicated that she had been approached by Emery Town Mayor Gary Petty to allow their two employees to be put on the County insurance. Presently there are two employees under Utah Local Governments Trust. Sheriff, Lamar Guymon, who is also present, requested that on behalf on Emery County EMT's, they also have requested to be placed on the County insurance. This item was referred to the County Attorney's office for research.

Sheriff Lamar Guymon at this time informed the Commission that the County has received \$73,000 of the original \$102,000 confiscated drug monies which was contested through a District Court forfeiture case. Those funds have been deposited with Emery County.

(18)

## CHEN JENSEN - RIGHT-OF-WAY REQUEST

Chen Jensen came before the Commission to request to purchase the road right of way which was originally a state road which had been turned over to the County. However, discussed was vacating such a road that property owners on both sides would receive half of that right-of-way property. Therefore, the Commission asked and Mr. Jensen agreed to allow the County Attorney's office to review the matter, together with the Road Department and come back to the Commission at their next Commission meeting with a recommendation.

(19)

## MEETING ADJOURNMENT

Motion to adjourn the meeting was made at 12:22 p.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST

CHAIRMAN

ComMin6-2-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

June 2, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 6:00 p.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

#### BID OPENING - DUTCH FLAT ROAD IMPROVEMENT PROJECT

Commission Chairman Mark Justice at this time asked County Clerk, Bruce Funk to open the bids which have been received on the Dutch Flat road improvement project. The Clerk's office received two sealed bids. The first bid read was from Minchie Digging, Cleveland, in the amount of \$21,423.25. The second bid read was from Nielsen Construction Company, Huntington, in the amount of \$24,140.50.

Whereupon, all original bid schedules and information were turned over to Emery County Engineer Craig Johansen from Johansen and Tuttle Engineering for final review and recommendation.

Whereupon, motion was made by Commissioner Kent Petersen to recognize Minchie Digging as the apparent low bidder and authorize the Commissioner over the Road Department to sign any additional paper work awarding the project in order to expedite the required work. Commissioner Dixie Thompson inquired as to why the increased cost over the engineer's estimate. Mr. Johansen, upon review, informed the Commission this is because of the addition of items 8, 9, 10 and 11 which amount to over \$8,000 and were not originally anticipated in the engineer's estimate. Therefore, all other items would be within the estimated engineer's cost. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(2)

#### CORRINE JONES - WATER DAMAGE

Mrs. Corrine Jones, living at 90 West 200 North in Castle Dale, addressed the Commission in that her residence is below the Sheriff's department property. She noted that because of the recent severe storm, the Commission needs to do something in regards to taking care of the run off from the Sheriff and Road Department hill. She noted that this occurs every year during storms and particularly during the recent storm.

Commissioner Kent Petersen noted that they looked at the problem today and are

going to look at the entire complex on the hill. However, he will get together with Road Superintendent Rex Funk and others to see what can be done immediately to assist.

(3)  
COMMISSIONERS MINUTES

The minutes of the May 19, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent

Petersen to approve the minutes as corrected. Motion was approved by all members present.

(4)  
AUDITOR'S BUSINESS

Emery County Deputy Auditor, Terry Williams, presented Warrant/Check Edit List #931628 through and including #931839 for payment. A discussion ensued as to the beautification tree project in that actual costs exceeded those originally budgeted by the County. Commission Chairman Mark Justice responded in that they were to come out of the \$60,000 of the community development portion of the Economic Development budget. However, Commissioner Thompson noted that it was her understanding that those monies were for the industrial park and that the tree project was over spent by approximately \$6,000.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
32	Computer, printer and accessories - Sheriff	2,997.55	Approved*
32	Computer, printer and accessories - Sheriff	1,868.80	Approved*

(\*Commission approved without compliance to purchasing policy.)

After further discussion, motion was made by Commissioner Kent Petersen to approve the Warrant/Check Edit List, additional claims and requisitions as presented. Motion was seconded by Commission Chairman Mark Justice. Commissioner Dixie Thompson voted nay. Whereupon, motion passed.

(5)  
PERSONNEL ITEMS

The following personnel items were presented for Commission consideration:

A) Road Department - Request was made for consideration and approval to fill the vacancy made when Randall Stilson took the position at the Landfill with Wayne Nielsen. Wayne currently serves in a nine-month temporary position with the department. This action would be effective June 3, 1993, at a Grade 10, Step A or \$9.12 per hour as an Operator II.

B) Road Department - Moving Wayne Nielsen into a career service position leaves seven months of a nine-month temporary position. The department requests consideration and approval to hire for that temporary position Michael Allred. The rate per hour would be \$9.12 through December 31, 1993. Effective date is June 3, 1993.

Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent

Petersen to approve the personnel items as presented. Motion was approved by all members present.

(6)

#### GIS OF UTAH

Mr. Jim Livingston, Vice President, and John Orullian, of GIS of Utah addressed the Commission in regards to the possibility of Emery County entering into a mapping agreement with them. Wherein, they offer complete services to the County as well as compile the data and plot out drawings when required. In addition, they can offer hardware and software. They can be a consulting source. Therefore, they presented to the Commission a proposal and information.

At this time, Commission Chairman Mark Justice introduced them to Economic Development Director Bryant Anderson, Road Superintendent Rex Funk and Engineer Craig Johansen, Commissioner Justice invited Mr. Livingston to meet with them in that the County is presently doing some work through Johansen and Tuttle Engineering. The Special Service District No. 1 is proceeding with GIS for road mapping of the County. The Commission also asked that Commissioner Kent Petersen serve as a liaison between those parties and the Commission in regards to this matter.

(7)

#### JOB SERVICE - SUMMER YOUTH PROGRAM

Colleen Evridge, from the Emery County Job Service, reported on the summer youth program in Emery County. She noted it begins on June 21. They have sent out application forms to all the interested agencies. She noted she has approximately 54 slots presently and expects that to go up to 81. There is

presently 70 youths signed up and expects that to increase to over 100. She further noted there are four slots in Green River. The summer youth participants work 24 hours per week. She was questioned if they qualify in the private business under a separate program. She responded in that there are approximately ten such slots funded in the County.

There being no other comments, the Commission expressed appreciation to Mrs. Evridge for her efforts in this program.

(8)

#### CHAMBER OF COMMERCE - EXECUTIVE DIRECTOR

Chamber President, Bruce Anderson, reported to the Commission on the activities of the Chamber of Commerce in their efforts to maintain open channels between the Commission and the Chamber. He further outlined the purpose of the Chamber. He emphasized that future success of the Chamber relies upon an Executive Director. He noted that they are soliciting Board members from the Ferron/Emery area to fill vacancies. Currently, Shelly Cox serves as Executive Director at a very minimal cost. They are looking at ways to raise funds and they asked for financial support of the Commission in these efforts. At this time, no specific amount was requested. He further discussed upcoming activities. Commissioner Kent Petersen asked that financial requests from the Chamber of Commerce be made to the Commission prior to October for consideration at that time in the 1994 budget.

The Commission further expressed appreciation to Mr. Anderson and the Chamber for their efforts.

(9)

#### SOLID WASTE MANAGEMENT PLAN - TAHOMA CONTRACT

Commission Chairman Mark Justice noted that he had been contacted by Tahoma who had originally contracted with Emery County in preparation of the County's Solid Waste Management Plan. It was his suggestion that in as much as there are monies left over from that plan, to enter into agreement with Tahoma who for the amount of \$2,200, as an engineering consulting firm, would review the plan and determine the State and Federal regulations and how they apply to our present landfill. This will take approximately 90 days and will then report back to the Commission with their findings.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the agreement with Tahoma as an engineering consulting firm in determining the State and Federal regulations and how they apply to the landfill subject to review by the County Attorney's office. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

#### INDUSTRIAL PARK FUNDING

Economic Development Director, Bryant Anderson, at the request of the Commission, gave an update regarding a fiberglass fabricating company who has expressed an interest in locating somewhere in the County. They are presently looking at buildings, but noted a possible need for the County to provide additional sites for an industrial park and the reasons for one. He recommended at least one site in the North and one in the South ends of the County.

(11)

#### FUEL PURCHASING

Commission Chairman Mark Justice discussed the fuel card system. He inquired as to whether this would be the exclusive means by which the County purchases fuel or whether they would also have a standby or emergency system at the County facilities.

Commissioner Kent Petersen noted that they are going ahead with the new County road shop and that existing tanks will be removed.

It was further questioned how much emergency fuel should be County maintained. Economic Development Director, Bryant Anderson discussed the benefit to the County of an emergency gravity fed tank.

Commissioner Dixie Thompson expressed opposition to the County being in any type of gas business. She expressed concern over competing against local suppliers as well as the liability of such a system in the County.

Commissioner Kent Petersen noted that apparently it appears that most County agencies are moving in the direction of a gas card.

Kent Wilson of BK's questioned the amount of emergency supplies noting that he is expending a considerable amount of funds in putting in a 24 hour service for County access. He indicated he would like a greater commitment of the County to go on the gas card system. Mr. Wilson further asked that the Commission keep him informed of any direction which they decide to go.

(12)

#### CHILD CARE PROGRAM

Rose Ann Fillmore advised the Commission of a pilot child care program being offered in Emery County under the administration of the Carbon County Recreation who is familiar with the State programs. She feels that Emery County could greatly benefit from such a working arrangement. She noted that the County School District has turned them down as to use of County school facilities. She

indicated they have done a survey in which 36 children in Castle Dale, 44 children in Cleveland and 18 children in Bookcliff are interested. Therefore, it is their intent to proceed with a pilot program in the Cleveland and Castle Dale area. She further noted that the Carbon County Recreation is funded by the college, Carbon County School District and the County as well as private donations. Their present plans are to have them administrate the program in Emery County, because of their experience, with consideration at some future time that it could be broken off into an Emery County program. She noted that she anticipates possible future funding requests of the Commission.

The Commission complimented Mrs. Fillmore on her community involvement.

(13)

#### GYPSUM RESOURCE DEVELOPMENT - RELEASE OF ROAD BOND

Mr. Curtis Larkin, of Gypsum Resource Development addressed the Commission in a follow-up to a previous Commission meeting in regards to the question of the property taxes. He noted that GRD's delinquent taxes are \$15,800 with penalties and interest of just over \$2,000 or a total of \$17,882. He noted that his facility is at a critical juncture. Presently, they are processing lime stone. They are coming to the end of a short-term contract. He noted that the Assessor's office has tagged for sale a critical piece of equipment, this being a front-end loader, to be auctioned off June 17. This puts their business at risk. He questioned the risk to the County in that the property far exceeds the present taxes. He further proposed if the County would release the loader, he would enter into an agreement of paying \$1,500 per month for six months and upon release of the bond, an additional \$5,000. This would leave a balance of \$2,000 in November.

County Attorney, Mark Tanner recommended that after looking at the documents he saw no continuing obligation to the County. Therefore, there was no reason to hold the bond except as collateral to the tax issue.

It was the recommendation of Commission Chairman Mark Justice and motion of Commissioner Kent Petersen to release the bond and disburse those funds subject to agreement between the County Attorney, County Assessor and Mr. Larkin. He noted the hesitation to speak on behalf of the Assessor in his absence at this time. Therefore, motion was seconded by Commissioner Dixie Thompson and approved by all members present.

An equitable agreement would receive ratification by the Commission.

(14)

#### SOIL CONSERVATION DISTRICT - WEED DEPARTMENT SUPPORT REQUEST

Mr. Roger Barton, Chairman of the Soil Conservation District, Hallie Lemmon, Coordinator, and Gary Raider, District Conservationist, came before the Commission. Mr. Barton indicated that the District officers are elected by

people involved in agriculture. One of their main concerns presently is weed control. Their suggestion to the Commission was for them to give greater support to the County Weed Department, recommending an additional full-time employee. He noted the increased demands on time because of environmental restrictions and training requirements. He further discussed the problems of the musk thistle and white top in the County.

After further discussion, recommendation was made by Commission Chairman Mark Justice that because it requires additional funding, such a presentation be made at budget time and the Commission would take a serious look at what can be done.

(15)

#### COMMISSION REPORTS

Commissioner Kent Petersen:

1. He reported that Craig Johansen has indicated in regards to the Dutch Flat Road improvement project that the portion of the contract originally estimated by the engineers and subsequently bid upon by the contractors are in line. The additional guard rail and other items are what has caused the increase in the presently received bids.

2. He has received a request from Clawson for help with their main street and the need to gravel it with the County forces. It was recognized that some other project being considered in the County would have to be deferred at this time. He noted that Clawson's streets are in serious condition.

Commissioner Dixie Thompson:

1. She reported on her recent regional meeting with the BLM in Salt Lake City.

2. She noted concerns expressed by Genwal Coal on the timely receipt of coal leases and the need for County support in that effort.

3. Discussed with Allen Childs, who would like to come and address the Commission, was what the coal industry is doing in regards to mining and underground water sources.

Commission Chairman Mark Justice:

1. He inquired as to the present status on Boyd Griffin's request for road abandonment. County Attorney, Mark Tanner noted that other roads have been added to the abandonment list. They will come back to the Commission in the very near future.



2. Discussed was the location of a fence at the landfill.
3. He requested the trail head discussed at the last Commission meeting by the Forest Service be put on the next Commission meeting agenda.

4. He inquired whether the County should establish an education policy for the County employees and recognized the benefit to the County. He noted that there is no clear policy and it varies from department to department. His recommendation was to put together a task force for future evaluation simply to study the concept. He indicated he will spear head the group and report back to the Commission.

5. He has discussed with Bill Howell and Maughn Guymon the possibility of AOG employees becoming State employees. A salary survey will be completed.

(16)

#### ROAD CHIP BID

Road Superintendent Rex Funk, in a follow up to the Road Chip bid opening held at the previous Commission meeting, wherein Sinbad Construction was the low bidder, noted that the Road Department had overlooked two other roads. Therefore, it was his request of the Commission to extend the chip contract an additional \$8,900 to cover the chipping of the Mill Road, the Cleveland/Elmo connector road and 3/10 of a mile at the end of Bott Lane. His further request of the Commission was to begin the bid process to asphalt the Cleveland/Lawrence road and the Orangeville middle road.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the requests of Road Superintendent Rex Funk as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:25 p.m. was made by Commissioner Kent Petersen, seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin6-16-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

June 16, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Mark Justice at 9:10 a.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

PUBLIC HEARING - EMERY COUNTY BUDGET ADJUSTMENTS - RESOLUTION 6-16-93A

Auditor, Karen Truman briefly reviewed with those present the need for the budget adjustment as presented. Whereupon, she presented Resolution 6-16-93A which adjusts the budgets, making note of the following: that the Tax Litigation budget has been increased by \$100,000; there has been monies received from drug forfeitures; there has been an increase in the County Attorney's budget, as well as the Weed & Mosquito; monies have been transferred to Recreation out of Economic Development; the Capital Projects Fund has been increased from \$500,000 to \$600,000.

At this time, Commission Chairman Mark Justice asked for comments from those in attendance. There being none, motion was made by Commissioner Dixie Thompson to accept the proposed changes and adopt Resolution 6-16-93A as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

COMMISSIONERS MINUTES

The minutes of the June 2, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was approved by all members present.

(3)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #931844 through and including #932037 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
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